

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (BA) NO.303/2021

Ku.Sagar @ Priya d/o Daulatrao Waychal

..VS..

State of Mah., thr. PSO Khadan, Akola, Taluka and District Akola

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri D.G.Dhoble, Counsel for the Applicant.
Mrs.M.A.Barabde for the State.

CORAM : V.M.DESHPANDE J.

DATED : MAY 4, 2021.

1. Hearing was conducted through video conferencing and learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel Shri D.G.Dhoble for the applicant and learned Additional Public Prosecutor Mrs.M.A.Barabde for the State. Also, perused reply.

3. It is the submission of learned counsel for the applicant that co-accused Preeti, whose case is identical with the present applicant, is released on bail by this Court (Coram : Vinay Joshi, J.) on 7.4.2021.

This submission of learned counsel for the applicant is not at all disputed by learned Addl.P.P. for the State.

4. In the order dated 7.4.2021 in Criminal Application (BA) No.242/2021 filed by accused Preeti it is observed as under:

.....2/-

“The applicant – lady is seeking regular bail in Crime No.90/2021 registered at Police Station, Khadan, district Akola for offences punishable under Sections 364-A, 120-B, 170, 384, 385, 323, 504, and 506 of the Indian Penal Code. Besides usual grounds, she claimed bail by submitting that there is no sufficient material to show her complicity. Moreover, it is submitted that the investigation is complete and charge-sheet has been filed. Applicant – Lady is having a small child and therefore, she prayed for bail. The state resisted bail by filing reply-affidavit.

It is contended that applicant along with four other co-accused hatched conspiracy and accordingly lured informant for sexual pleasure and duped him for huge amount.

It is prosecution case in nutshell that the informant aged 61 years of age received Whatsapp message on his phone on 11.2.2021. He responded the message by making phone call, on which lady from

other end called him at specific place. Thereafter, he followed the lady who took him to a flat. At said place, three other male co-accused beat informant, stripped him, took his obscene photos and extorted money by putting him under threat.

Though alleged incident took place on 11.2.2021, FIR has been lodged belatedly on 18.2.2021. The police have already arrested all accused against whom report has been lodged. The extorted amount and some jewelry have been seized. Learned counsel appearing for applicant submitted that the provision of Section 364-A of the Indian Penal Code would not attract, which finds substance. The other offences are punishable for imprisonment upto three years only.”

5. Learned counsel for the applicant submitted that one of co-accused Preeti is released on bail by this Court (Coram : Vinay Joshi, J.) on 7.4.2021. There is not dispute before this Court that role attributed to the applicant in Criminal Application (BA) No.242/2021 and role attributed to present applicant is identical. Since lady whose case is

identical with the present applicant who is also applicant and is released on bail, on the principle of parity, except the fact that Preeti was married and present applicant is unmarried, the criminal application can be granted. Consequently, I pass following order:

ORDER

- (1) The criminal application is allowed.
- (2) The applicant be released on bail in connection with Crime No.90/2021 registered at Police Station, Khadan, district Akola for offences punishable under Sections 364-A, 120-B, 170, 384, 385, 323, 504, and 506 of the Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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