

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.897 OF 2022

Omkar Sambhaji Salunkhe Appellant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Sukumar S. Ghanwat, Advocate for Appellant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th OCTOBER, 2022

P.C. :

1. The Appellant is seeking bail in connection with C.R.No.76 of 2022 registered with Miraj City Police Station, Sangli, dated 02/03/2022 u/s 327, 294 (2), 323, 504, 506 r/w 34 of the Indian Penal Code and u/s 3(1)(r)(s), 3(2)(v-a) 3(2) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Heard Mr. Sukumar S. Ghanwat, learned counsel for the Appellant and Mr. S. R. Agarkar, learned APP for the State.

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3. The Appellant is arrested on 03/03/2022. Since then he is in custody. The investigation is over and the charge-sheet is filed. The FIR is lodged by one Pruthviraj Rahul More. He has stated that he knew the accused in this case i.e. Saurabh Potdar, Omkar Chougule, Nicolas Rathod and the present Appellant. These accused were harassing and creating disturbance in the area. He has described past incidents where he was harassed by these accused. About 15 days prior to lodging of the FIR, there was an incident where all the accused had removed Rs.400/- from the Appellant. On 02/03/2022 the first informant was returning from his school at 12.45 p.m. at that time all the accused stopped him, they abused him in filthy language. They abused even with reference to his caste and demanded Rs.1,100/-. The first informant refused to pay. Therefore he was assaulted with fists and kick blows. The Appellant and Omkar Chougule searched his pockets. Saurabh Potdar showed a knife. Therefore out of fear, he gave them Rs.540/-. They then threatened him and told him that they must be paid Rs.500/- each month. After this they left the place. The shopkeepers in

the locality and others got scared and they also closed their shops and went away. On this basis, the FIR is lodged.

4. The charge-sheet contains statements of eyewitnesses namely Satyajeet Bhalkar, Mangesh Kadam, Pramod Sable, Dr. Vidya Sawant, Pari Mahindrakar, Aditya Jagtap and Hrishikesh Londhe. They have supported the first informant's narration. All of them have consistently stated that Nicolas Rathod was abusing the informant. Hrishikesh stated that Saurabh Potdar was abusing with reference to the caste. In short, the incident is supported by eyewitnesses' statements.

5. Learned counsel for the Appellant submitted that he is 20 years of age. He is in custody since 03/03/2022. The main role is not attributed to him and therefore his application may be considered sympathetically.

6. Learned APP submitted that besides these offences, there are three other offences registered against him at the same

police station vide C.R.No.56/2021, C.R.No.52/2022 and C.R.No.59/2022. He submitted that the Appellant and his companions have caused nuisance and disturbance in the area. The first informant is not the only victim and therefore the bail should not be granted to the Appellant.

7. I have considered these submissions. All the accused were together when this offence was committed. However, the Appellant is only 20 years of age. The offences registered against him in the past are mainly u/s 324, 323 of IPC etc. The investigation is over and considering very young age of the Appellant, one opportunity should be given to him to reform and live as a law abiding citizen. Therefore on this ground I am inclined to grant bail to the Appellant. I am also considering that the role of the Appellant is comparatively less serious than his co-accused. He has not used any weapon. There are no specific allegations against him of abusing with reference to the caste. Based on all these aspects, the Appellant can be granted bail on certain conditions to keep check on his activities.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.76 of 2022 registered with Miraj City Police Station, Sangli, the Appellant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only), with one or two sureties, in the like amount.
- (ii) The Appellant shall report to the concerned police station once in a week for a period of one year from today.
- (ii) With these directions, the Appeal is disposed of.

(SARANG V. KOTWAL, J.)