

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

CRIMINAL APPEAL NO. 1231 OF 2022

Omkar @ Chikya Ananda Chougule	..Appellant.
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. S. R. Moray i/b. Mr. Sukumar Ghanwat for Appellant.

Smt. M. R. Tidke, APP for State/Respondent No.1.

Mr. Prashant Kamble (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 17 JANUARY 2023**

PC :

1. The Appellant is seeking his release on bail in connection with C.R.No.76 of 2022 registered with Miraj City police station, Sangli, dated 02/03/2022, under sections 327, 294(2), 323, 504 and 506 r/w. 34 of the I.P.C., as well as, under sections 3(1)(r)(s), 3(2)(va) and 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Shri. Moray, learned counsel for the Appellant, Smt. M. R. Tidke, learned APP for the State/Respondent No.1 and

Shri. Prashant Kamble, learned Appointed Advocate for the Respondent No.2.

3. The Appellant was arrested on 03/03/2022 and since then he is in custody. The investigation is over and the charge-sheet is already filed. The F.I.R. is lodged by the Respondent No.2. He has stated that, he knew the accused in this case i.e. Saurabh Potdar, Omkar Salunkhe, Nicolas Rathod and the present appellant. The accused were harassing and creating disturbance in the area. He has described the past incidents whenever he was harassed by the accused. About 15 days prior to the lodging of the F.I.R., there was an incident where all the accused had forcibly removed Rs.400/- from the Respondent No.2. On 02/03/2022, the first informant was returning from his school at 12.45p.m. At that time, all the accused stopped him. They abused him in filthy language. They abused him with reference to the caste and demanded Rs.1100/-. The respondent No.2 refused to pay. Therefore, he was assaulted with fist and kick blows. The Appellant and Omkar Salunkhe searched his pockets. Saurabh Potdar showed him a knife. Therefore, out of fear, he gave them

Rs.540/-. They threatened him and told him that they must be paid Rs.500/- each month. After that 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 F.I.R. was lodged.

4. The charge-sheet contains statements of the eye witnesses namely Satyajeeet 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 Respondent No.2. Hrishikesh stated that Saurabh Potdar was abusing the Respondent No.2 with reference to the caste. This incident is supported by the eye witnesses.

5. Learned counsel for the Appellant submitted that, he is a young boy about 22 years of age. He is in custody since 03/03/2022. The main role is not attributed to him. Another accused Omkar Salunkhe is granted bail by this court vide order dated 11/10/2022 passed in Criminal Appeal No.897 of 2022. The

Appellant's role is similar to the role attributed to Omkar Salunkhe. Thus, on the ground of parity, the appellant deserves to be released on bail.

6. Learned counsel for the Respondent No.2 submitted that, besides narration of the eye witnesses, there is one more incriminating circumstance against the appellant i.e. recovery of the exact amount which was extorted from the Respondent No.2. The recovery was made at the instance of the appellant from his house. He further submitted that, even the Respondent No.2 was a young boy; he was harassed by all the accused.

7. Learned APP opposed this appeal and submitted that, there are six previous offences registered against the appellant in the same police station and in the police station of M.I.D.C. Kupwad. Out of which, one offence is U/s.307 of the I.P.C. She, therefore, opposed this appeal.

8. I have considered these submissions. As far as the present offence is concerned, the Appellant's role is similar to that of Omkar Salunkhe who is granted bail by this Court. Therefore,

on the principles of parity, the Appellant also deserves the same leniency. There is recovery of the amount extorted from the Respondent No.2 at the instance of the Appellant. At this stage, there is sufficient material to show that the offence is committed by the accused. However, its effect would be a matter of trial. Today, I am only considering whether bail can be granted to the appellant. The Appellant is a young boy. He deserves the same treatment of parity as was given to Omkar in passing bail order in his favour. There are antecedents against the appellant, but conditions can be imposed on him to report to the police station; which would keep a check on his activities. Considering this discussion, the appellant can be granted bail in this case.

9. 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 P. R. bond in the sum of Rs.30000/-

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.

iii) With these directions, the Appeal is disposed of.

(SARANG V. KOTWAL, J.)