

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

21 BAIL APPLICATION NO.157 OF 2021

- 1 Kailas Vitthal Dahake,
Age 49 yrs., Occ. Agri.,
- 2 Gajanan Dinkar Ghogare,
Age 50 yrs., Occ. Agri.,
- 3 Atul Vilas Dahake,
Age 25 yrs., Occ. Agri.,
- 4 Mangesh Ramkrushna Marathe,
Age 55 yrs., Occ. Labour,
- 5 Satish Sudhakar Dahake,
Age 25 yrs., Occ. Education,
- 6 Dipak Babulal Dahake,
Age 22 yrs., Occ. Education,
- 7 Arvind Bhimrao Lomate,
Age 33 yrs., Occ. Rikshaw driver,
- 8 Mangal Ravindra Fardale,
Age 29 yrs., Occ. Rikshaw driver,

All are r/o Nimkhedi Khurd, Tq. Muktai Nagar,
Dist. Jalgaon.

... Applicants

... **Versus** ...

The State of Maharashtra

... Respondent

...

Mr. Joydeep Chatterji, Advocate for applicants

Mr. D.R. Kale, PP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08th MARCH, 2021.

ORDER :

1 Present applicants have been arrested in connection with Crime No.22/2021 by Muktai Nagar Police Station, Dist. Jalgaon, for the offence punishable under Section 353, 332, 333, 324, 504, 506, 141, 147, 143, 149 of the Indian Penal Code, 1860 and under Section 135 of the Maharashtra Police Act, 1951. They have filed present application under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. Joydeep Chatterji for applicants and learned PP Mr. D.R. Kale for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions. Further, the learned PP also submitted that perusal of the First Information Report would show that even the Police Officers have been threatened and slogans have been given that they should be killed by putting them to fire. When such a mob had gathered, just to erect the statue of Chhatrapati Shivaji Maharaj, that too, without taking any proper permission from the

Grampanchayat, it shows the high handed act on the part of the applicants.

3 Perusal of the First Information Report, which is lodged by the Station Officer of Muktai Nagar Police Station, PHC Sanjeev Bhavrao Patil, would show that they had received message from Police Patil, Nimkhedi (Kh), Tq. Muktai Nagar that some persons have erected statue of Chhatrapati Shivaji Maharaj, by raising a platform in the chowk in front of Grampanchayat. Therefore, the police then went by Government vehicle and found that such statue was erected. Many people had gathered at that place, and therefore, Sub Divisional Officer Mr. Vivek Lawand and other Police Officers were called. Even striking force Police Officers were also called with Tahsildar and Naib Tahsildar. All of them were explaining the mob that the statue has been erected without taking permission from the Grampanchayat, and therefore, that will have to be brought down. But the mob, which was, in fact, an unlawful assembly, started shouting and resisting from moving the statue from that place. Thereafter the mob started pelting stones towards the public officers and it appears that the mob included of various age group including the minors and senior citizens. It is stated that about 90 to 100 persons were gathered and they have resisted public officers from doing their duty and gave them threat to kill.

4 No doubt, the names of the present applicants appears to be

mentioned and they have been posted as accused Nos.1 to 5, 7 and 8. Name of applicant No.8 Mangal Ravindra Fardale is not mentioned. It is stated that they were pelting stones. It is not specifically mentioned in the present FIR that present applicants had given threat to kill the public officers. It might be the shouting by the people. Now, it appears that the present applicants have undergone the Police Custody granted by the learned Magistrate and they are in Magisterial Custody now. Nothing is required to be recovered from them. Therefore, they deserve to be released on bail. However, taking into consideration the allegations against them, costs is required to be imposed for disturbing the public peace. Therefore, directing them to deposit costs of Rs.10,000/- each would be in the interest of justice. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicants, who have been arrested in connection with Crime No.22/2021 by Muktai Nagar Police Station, Dist. Jalgaon, for the offence punishable under Section 353, 332, 333, 324, 504, 506, 141, 147, 143, 149 of the Indian Penal Code, 1860 and under Section 135 of the Maharashtra Police Act, 1951, be released on P.R. of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety of Rs.15,000/- (Rupees Fifteen Thousand only).

3 The applicants shall not tamper with the evidence of the prosecution, in any manner.

4 They shall not indulge in any criminal activity.

5 They shall attend the Muktai Nagar Police Station, Dist. Jalgaon on every Sunday between 10.00 a.m. to 02.00 p.m., till filing of charge sheet. So also they should comply with the requirements under paragraph Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).

6 Each of the applicants shall deposit an amount of Rs.10,000/- (Rupees Ten Thousand only) towards costs with the High Court Legal Services Sub Committee, Aurangabad”,

7 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

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