



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

**BAIL APPLICATION NO.2085 OF 2023**

**SUNIL SHALIKRAM AVACHAR  
VERSUS  
THE STATE OF MAHARASHTRA**

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Mr. R. J. Nirmal, Advocate for the Applicant.  
Mr. A. S. Shinde, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 07<sup>th</sup> DECEMBER, 2023.**

**PER COURT:-**

1. The applicant seeks regular bail in connection with Crime No.431/2023 registered with Mondha Police Station, Dist. Parbhani for the offences punishable under Sections 427, 435, 353, 143, 147, 149, 506 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by one Purbha Kondiba Kale serving as Registrar at Vasantryao Naik Marathwada Agricultural University at Parbhani. It is alleged that he is assigned a official car bearing registration No.MH-22-AM-4432. One Javed Ali Khan is employed as driver on the said car. On 30.10.2023 at about 3.15 pm while his car was parked in front of his house, unknown persons ablaze his car by forcibly removing the driver from his seat. They were giving slogan asking for reservation. They poured petrol contained in bottle to ablaze the car. One of them pelted stone and broke the glass of the car. As such, damage worth Rs.6,00,000/- has been caused to the car. The applicant has been arrested in pursuance of the aforesaid crime.

3. Mr. Nirmal, learned Advocate appearing for the applicant submits that the FIR is registered against unknown culprits. The applicant has been arrested only on the basis of suspicion. There is no material to bring home his complicity in commission of the offence.

4. Mr. Shinde, learned APP submits that the applicant was brought before the driver who identified him to be the culprit. Further there are criminal antecedents. As many as four offences are previously registered against the applicant. The investigation is still in progress. Hence, urges to reject the prayer for grant of bail.

5. Having considered submission advanced, apparently FIR is lodged against unknown person. The contents of the FIR as well as statements of the witnesses show that the faces of the culprits were masked with white clothes. None of the witnesses identified them. The investigation papers shows that although applicant has been arrested, identification parade is not carried. In this background, *prima facie*, it is difficult to find out involvement of the applicant in commission of offence. Although there are previous offences registered against him, in absence of any material indicating his involvement in the present crime, further detention of the applicant need not be continued. In that view of the matter, case is made out for grant of bail. Hence, the following order:

### **ORDER**

- (i) Bail Application is allowed.
- (ii) The applicant, Sunil S/o Shalikram Avachar, be released on bail in Crime No.431/2023 registered with Mondha Police Station, Dist. Parbhani for the offences punishable under Sections 427,

435, 353, 143, 147, 149, 506 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.
  - b. The applicant shall visit concerned Police Station once in a week i.e. on every Monday between 10.00 am to 02.00 pm till filing of the charge-sheet.
  - c. The applicant shall co-operate with the investigation.
- (iii) Application is disposed of.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**