

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

17 BAIL APPLICATION NO.2107 OF 2023

ANIKET DATTATRAY PAWAR AND 6 OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. V.D. Salunke h/f M.V Salunke
APP for Respondent : Mr. A.S. Shinde

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: December 06, 2023

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PER COURT :-

1. By this application, the applicants are seeking regular bail in connection with Crime No.0246 of 2023 registered with Patoda police station, District Beed for the offences punishable under sections 307, 353, 153, 120-B, 143, 145, 147, 148, 149, 427 of the Indian Penal Code and u/s 7 of the Prevention of Damage to Public Property Act and u/s 37(3) and 135 of the Maharashtra Police Act.

2. Investigation has been set in motion on the basis of information given by Dilip Annarao Ugle, Grade Police Sub Inspector, posted at police Head Quarter, Beed. In nutshell, it is alleged that while informant was on duty, on 31.10.2023, mob of 80 to 90 persons arrived at PHC. Members of unlawful assembly were holding petrol bottles, match box and they were giving slogans against the Government in pursuance of demand of reservation. It is alleged that, when the informant asked them the reasons of their presence on the spot, they

asked him to leave the place. They snatched mobile phone of the informant and threw it. They entered into room and one of them thrown petrol bottle on his person. Informant left room. Other persons threw bottles containing petrol in the building and ablaze the building and left the place. The applicants are named in the FIR since informant has acquaintance with them. It is further stated that wireless apparatus including batteries, network racks, CPU etc worth Rs. 6 lakhs got damaged in the incident. On the basis of the aforesaid information, offence has been registered against 18 to 19 persons including the applicants. In pursuance of registration of the offence, applicants have been arrested on 2.11.2023. They were remanded to police custody. However, nothing incriminating is recovered.

3. Mr. Salunke, learned advocate appearing for the applicants would submit that FIR contains omnibus allegations. Mob of 80 to 90 persons alleged to have committed the offence. There are no specific allegations against the applicants. Only applicants are identified to be present amongst persons. He would submit that peaceful agitation was going on, however, some miscreants have ablaze the Government property, for which the applicants cannot be blamed.

4. Learned A.P.P. strongly opposes the prayer for bail. He would submit that huge public property is damaged. Members of the unlawful assembly poured petrol on person of

the informant with intention to cause his murder. Accordingly, offence under section 307 is invoked.

5. Having considered the submissions advanced, apparently, the applicants are named in the FIR, which is lodged by the police officer. Careful consideration of contents of FIR would depict that no specific role is attributed against the applicants. On the other hand, informant named them only because he has acquaintance with them. Even, persons who put the material ablaze is not named in the FIR. The applicants were arrested on 2.11.2023. They were remanded to police custody, however, nothing incriminating is recovered from them. Investigation in the matter is practically over. Considering nature of the allegations in the FIR, it is difficult to invoke section 307 of the IPC. In that view of the matter, further detention of the applicants need not be continued. Hence, case is made out for grant of bail. Hence, the following order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant nos.1] Aniket s/o Dattatraya Pawar, 2] Bhausahab s/o Ramdas Pawar, 3] Ravindra s/o Bhagwat Pawar, 4] Akshay s/o Ramesh Pawar, 5] Ganesh s/o Trimbak Pawar, 6] Sachin s/o Lahu Walunjkar and 7] Machindra s/o Gorakh Bedre be released on bail in connection with Crime No.0246 of 2023 registered with Patoda police station, District Beed for the offences punishable under

sections 307, 353, 153, 120-B, 143, 145, 147, 148, 149, 427 of the Indian Penal Code and u/s 7 of the Prevention of Damage to Public Property Act and u/s 37(3) and 135 of the Maharashtra Police Act on their furnishing P.B. & S.B. of Rs.50,000/-, (Rs.Fifty Thousand), by each of them, on the following conditions :-

- a] The applicants shall not tamper the prosecution evidence.
 - b] The applicants shall not indulge in criminal activities.
 - c] The applicants shall attend the concerned police station once in a week i.e. on every **Monday** between 10 am to 2 pm till filing of the charge sheet.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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