

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

20 BAIL APPLICATION NO.2112 OF 2023

OMKAR @ ONKAR DINESH THOSAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Salunke Sudarshan J
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. Leave to correct the date of FIR.
2. The applicant seeks regular bail in connection with Crime No.250 of 2023 registered with Beed City police station, District Beed for the offences punishable under sections 307, 308, 353, 332, 336, 337, 338, 342, 436, 120-B, 143, 147, 148, 149, 151, 152 of the Indian Penal Code and u/s 3, 4 of the Prevention of Damage to Public Property Act, 1984 and u/s 7 of the Criminal Law Amendment Act, 1932 & u/s 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.
3. Investigation was set in motion on the basis of the information given by Mr. Kiran Pawar, who is deputed as Sub inspector at police station city Beed. In nutshell, it is alleged that on 30.10.2023 mob of 200 to 250 persons was moving around with slogans in pursuance of their demand for reservation. While mob was proceeding from Subhash Road area towards Sathe Chowk in Beed town, members of unlawful

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assembly pelted stones on shutter and glass of Jewellery shop and ablaze two motorcycles, thereby causing loss of property worth Rs.1.5 Lakhs. It is further alleged that police officers attempted to disperse the mob, however, another group of persons joined them. Mob of 600 to 700 persons pelted stones on the house of Ex-minister and caused damage to the property. It is further alleged that while police officers were discharging their official duties, members of mob pelted stones causing injuries to them. Further steps were taken by police officers to disperse the mob. It is further alleged that applicant is identified as one of the member of unlawful assembly and he is named in the FIR amongst 24 named accused persons. The applicant has been arrested on 31.10.2023. He was remanded to police custody. Since 3.11.2023 he has been sent to MCR. His prayer for grant of bail has been rejected by the Court of Sessions Vide order dated 21.11.2023.

4. Mr. Sudarshan Salunke, the learned advocate appearing for the applicant would submit that applicant is a student pursuing his education in DMLT course in second year. He also works at Beed Blood bank, which is situated at Hariom Complex on Jalna road area near Dwarkadas Mantri Bank. He was neither member of unlawful assembly nor has he participated in the criminal activities, however, he has been falsely implicated. During police custody, nothing incriminating is recovered from him. Investigation in the matter is practically over. Further detention of the applicant need not be necessary.

5. Learned A.P.P. strongly opposes the prayer. He would submit that mob of 600 to 700 persons caused heavy damage to the public and private property. Although, police officers attempted to disperse them, mob become violent. They put the properties ablaze and caused damage to shops and house properties. He would submit that applicant is specifically named and immediately arrested, which shows his involvement in the commission of offence.

6. Having considered the submissions advanced, it is apparent that mob of 600 to 700 persons have caused great loss to the public and private property. Nature of procession is unjustified, however, on perusal of contents of the FIR, no specific attributions are levelled against the applicant, who is a young man aged 21 years. From the documents on record, it appears that he is working in vicinity of area where the incident took place, possibility that he was not member of unlawful assembly cannot be ruled out. Even, from the contents of the FIR, it is difficult to make out any offence under section 307 of the IPC. The applicant was subjected to police custody remand, nothing incriminating is seized from him. He is behind bar for more than one month. Veracity of the contents of the FIR would be the subject matter of the trial. Learned APP informs that there are no criminal antecedents. Hence, case is made out for grant of bail subject to certain conditions. Hence, the following order.

ORDER

- i. Bail Application is hereby allowed.

- ii. The applicant - OMKAR @ ONKAR DINESH THOSAR be released on bail in connection with Crime No.250 of 2023 registered with Beed City police station, District Beed for the offences punishable under sections 307, 308, 353, 332, 336, 337, 338, 342, 436, 120-B, 143, 147, 148, 149, 151, 152 of the Indian Penal Code, u/s 3, 4 of the Prevention of Damage to Public Property Act, 1984 and u/s 7 of the Criminal Law Amendment Act, 1932 & u/s 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951 on his furnishing P.B.&S.B. of Rs.50,000/- (Rs.Fifty Thousand), each on the following conditions :-
- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall not indulge into criminal activities.
 - c] The applicant 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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