



{1}

948 sr.no..odt

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

948 BAIL APPLICATION NO. 2121 OF 2023

**SUNIL MADHAVRAO SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Sudarshan J. Salunke
APP for Respondent : Mr. **A.S. Shinde.**

...
CORAM : S. G. CHAPALGAONKAR, J.
Dated: December 08, 2023.

...

PER COURT :-

1. The applicants seeks regular bail in connection with Crime No. 341 of 2023 registered with Police Station Neknoor, District Beed for the offence punishable under sections 436, 435, 336, 143, 147, 149, 427 of IPC and u/Sec. 3(2)(e) of the Prevention of Damage to Public Property Act, 1984 and 37(1), 37(3), 134 of the Maharashtra Police Act, 1951.

2. The Investigation was set in motion on the basis of information given by Ramesh Ranuji Jadhav who is employed as Traffic Controller at S. T. Bus stand, Beed. It is alleged that on 30.10.2023 he was assigned job of controller at bus stand Neknoor. While he was discharging his duty, a mob of 40 to 50 persons entered in bus stand premises. They were giving slogan in pursuance of their demand of reservation. They were holding stones, petrol bottles, etc. in their hands. The mob pelted stones on building of the bus stand causing damage to glass windows. Even they put ablaze a table pouring petrol and damaged chair, inverter batteries installed in controller room. Accordingly, offence

came to be registered against unknown culprits for various offences. During course of investigation applicants have been arrested on the basis of CCTV footage disclosing their identity and participation in commission of crime. Applicants were remanded to police custody remand. Nothing incriminating is recovered, however; their prayer for grant of regular bail has been rejected by court of sessions vide order dated 24.11.2023.

3. Mr. Sudarshan J. Salunke, learned advocate appearing for the applicants would submit that applicants are not named in FIR. Allegations in FIR are against mob of unidentified 40 to 50 persons. Although applicants are alleged to have been seen in the CCTV footage their specific role is not surfaced during investigation. Applicant Nos. 03, 05, 07 & 08 are students. Applicant Nos.02, 04 & 06 are labours. There are no criminal antecedents to discredit. Further detention of applicants would not be necessary.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that applicants are identified to be culprits in CCTV footage. Huge damage is caused to public property. Release of applicants may give rise to recurrence of similar incident.

5. Having considered the submissions advanced, apparently, applicants are arrested on 17.11.2023 and for more than one month they are behind bars. Allegations in FIR suggest that there is damage to public property and mob of 40 to 50 persons involved in commission of offence. Applicant are alleged to have been identified in CCTV footage to be participants in commission of offence. However, no specific role is attributed against them. Whether they were members of unlawful assembly and responsible for criminal activities would be part of trial.

Learned APP confirms that there are no criminal antecedents. Investigation in the matter is almost completed. Offences are punishable with imprisonment for less than 10 years. In that view of the matter, further detention of applicants would not be necessary. Hence, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicants – (1) Sunil Madhavrao Shinde (2) Sarthak Sundar Shinde (3) Gaurav Janardhan Mule (4) Sandip Nitin Mule (5) Ajay Bharat Kale (6) Rohan Vilas Mule (7) Aditya Asaram Mule and (8) Mohit Mahadev Shinde, be released on bail in connection with Crime No.No. 341 of 2023 registered with Police Station Neknoor, District Beed for the offence punishable under sections 436, 435, 336, 143, 147, 149, 427 of IPC and u/Sec. 3(2)(e) of the Prevention of Damage to Public Property Act, 1984 and 37(1), 37(3), 134 of the Maharashtra Police Act, 1951, on their furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand) **EACH**, on the following conditions :-
 - a] The applicants shall not tamper the prosecution evidence.
 - b] The applicants shall visit the concerned police station once in a week i.e. on every Sunday between 10 am to 2 pm till filing of the charge-sheet.
 - c] The applicants shall cooperate with investigation agency.

- d] The applicants shall not indulge into any similar offence.
- iii. Bail application is accordingly disposed off.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-