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

BAIL APPLICATION NO. 2124 OF 2023

NAVNATH EKNATH GOSAVI AND OTHERS

....Applicants

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Vasantryao D. Salunke, Advocate for Applicants
Mrs. P.J. Bharad, APP for respondent.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 12th DECEMBER, 2023**

ORDER :-

1. The applicants are regular seeking bail in connection with Crime No. 577 of 2023 registered with Shivaji Nagar Police Station, Beed, Dist. Beed for the offences punishable under Sections 307, 308, 120B, 353, 332, 427, 435, 436, 143, 144, 145, 147, 148, 149, 151, 152 of IPC and U/sec. 3(1), 37(3) and 135 of the Maharashtra Police Act and under Section 3 and 4 of the Prevention of Damage to Public Property Act, 1984.

2. The investigation has been set in motion on the basis of information given by Chetan Vasantryao Ogale, Police Sub-Inspector with Shivaji Nagar Police Station, Beed. In nutshell, it is alleged that on 30.10.2023, he was assigned the duty to maintain law and order. At about 17.30 hours, he received instructions to rush at Nagar Road since the mob consisting of 1000 to 1500 protesters had been gathered in front of the sitting MLA. The members of the mob were equipped with weapons and inflammable material. The mob became violent. The police took preventive measures. However, the members of the assembly set ablaze the vehicles parked in the yard of the house.

The second incident is alleged to have taken place at about 7.00 p.m., where, the members of the unlawful assembly consisting of 400 to 500 persons pelted stones on bus stand, and caused damage to the buses.

The third incident is alleged to have taken place at Ambika Chowk on Canal road, where, the mob of 200 to 300 persons intercepted the fire brigade vehicle and attempted to ablaze the same. Thereafter, the mob set on fire offices of various political leaders, so also, educational institutions controlled by them. The police nabbed some of the accused persons on the spot.

2. Mr. V.D. Salunke, learned advocate for applicants submits that the applicants have been arrested on suspicion. On 31.10.2023. they were remanded to police custody. Nothing incriminating could be recovered from them. Mr. Salunke further submits that the applicants are falsely implicated in aforesaid crime. They are not named in the FIR, however, subsequently, based on alleged secret information or CCTV footage, they are sought to be roped in. No specific roles have been attributed against them. There have been no criminal antecedents. The investigation has been advanced and further detention of the applicants would not be necessary.

3. Learned APP strongly opposes the prayer for grant of bail. She points out that members of the unlawful assembly have created havoc in Beed town and ablazed the houses of the political leaders, Offices of political parties and educational institutions alongwith public properties. During the investigation, applicants have been arrested after finding them to be members of such unlawful assembly. Release of the applicants at this stage may bring recurrence of similar offence. Investigation is still in progress. Hence, she prays for rejection of the

application.

4. Having considered the submissions advanced, it can be gathered that FIR has been registered on the basis of information given by the Police Officer. Some of the accused persons were arrested and named in the FIR. So far as applicants are concerned, they are not named in the FIR. The investigation progressed. However, no specific role is attributed against the applicants. Even the material, which is placed before this Court does not clinchingly points out active role of the applicants causing loss to the public property or any violent activity. In the circumstances, on prima facie consideration of material on record, the contention raised on behalf of the applicants that accused persons were silent protesters cannot be ruled out. Even otherwise, the investigation in the matter is substantially progressed. Further detention of the applicants would not be necessary. Hence, a case is made out for grant of bail, on certain conditions.

: O R D E R :

- (I) The application is allowed.
- (ii) Applicants (1) Navnath s/o. Eknath Gosavi; (2) Rajendra @ Chhakulya s/o. Macchindra Gholap and Raghunath @ Chandrasen Gholap, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- each, with one solvent surety of the like amount each, in connection with Crime No. 577 of 2023 registered with Shivaji Nagar Police Station, Beed, Dist. Beed for the offences punishable under Sections 307, 308, 120B, 353, 332, 427, 435, 436, 143, 144, 145, 147, 148, 149, 151, 152 of IPC and U/sec. 3(1), 37(3) and 135 of the Maharashtra Police Act and under Section 3 and 4 of the Prevention of Damage to Public Property Act, 1984. on the following conditions :-
 - (a) They shall not tamper with the prosecution witnesses.
 - (b) They shall attend the police station once in a week i.e. on every

Saturday between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.

- (c) They shall not not indulge in criminal activity.
- (d) They shall attend each and every effective date before the trial Court.
- (iii) The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-