



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

BAIL APPLICATION NO.2152 OF 2023

Ajay Nitin Barde And Others
VERSUS
The State Of Maharashtra

...
Mr. S.J. Salunke, Advocate for Applicant
Mr. A.S. Shinde, APP for respondent State.

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CORAM : S. G. CHAPALGAONKAR, J.)
Dated: December 11, 2023

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PER COURT :-

1. The applicants seek regular bail in connection with Crime No.343 of 2023 registered with Neknoor police station, District Beed for the offences punishable under sections 436, 435, 336, 427 of the Indian Penal Code and u/s 3(2)(e), 4 of the Prevention of Damage to Public Property Act, 1984 and u/s 37 (1), 37(3), 135 of the Maharashtra Police Act.

2. Investigation was set in motion on the basis of the information given by Shaikh Ali Shafiyoddin, who served as a Recovery Officer with the Grampanchayat Neknoor. It is alleged that on 30.10.2023, he closed office of the Grampanchayat and went to the Home. He received information that his office is set on fire as smoke is seen coming out of the premises. Immediately, he rushed towards the office and break open the lock. He noticed that inverter alongwith batteries, computer, printer and record of the Grampanchayat was put ablaze and glass windows were

broken because of pelting of stones. Immediately, he take steps to cease the fire. FIR states that in pursuance of demand of reservation, group of unknown persons ablaze the office causing loss to the public property and record. Accordingly, crime no.343 of 2023 for the aforesaid offence came to be registered against the unknown culprits. During course of the investigation, CCTV footage of various establishments were checked and secret information was collected regarding culprits. Accordingly, applicants and others have been arrested. Prayer of the applicants for grant of bail has been rejected by the Court of sessions vide order dated 24.11.2023. Hence, this application.

3. Mr. Salunke, learned advocate appearing for the applicant would submit that the FIR is lodged against unknown persons. During course of investigation, CCTV footage of various establishments are collected and the applicants are alleged to have been identified as culprits. He would submit that no particulars regarding the persons identified applicants to be the culprit are available in the investigation papers. Even, the panchnama to that effect is not prepared. It is not clear as regards to what role the applicants have actually played in the commission of offence. He would submit that the applicants were remanded to police custody after their arrest. However, nothing incriminating is collected from them.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that loss to the public property

is caused. The offences are serious in nature. Release of the applicants may bring recurrence of the similar offence.

5. Having considered the submissions advanced and after going through the papers of the investigation, apparently, FIR is against unknown culprits. The incident took place in the night hours. Although, it is stated that CCTV footage collected during investigation, panchnama regarding identification of the accused persons being culprits of the offence is not available in the investigation papers. Even, specific role of the applicants is not depicted. The applicants are behind bar for more than one month. They were subjected to police custody, however, nothing incriminating is recovered at their instance. Further detention of the applicants would not be necessary. Learned APP confirms that there are no criminal antecedents to discredit the applicants. Hence, case is made out for grant of bail. In the result, following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicants – 1] Ajay Nitin Barde, 2] Meghraj Raghunath Disale, 3] Balu Baburao Disale, 4] Dinesh Bapurao Disale, 5] Ranjit Trimbak Jadhav and 6] Angad Bapurao Dhanwade be released on bail in connection with Crime No.343 of 2023 registered with Neknoor police station, District Beed for the offences punishable under sections 436, 435, 336, 427, 143, 147, 149 of the Indian Penal Code, u/s 3(2)(e), 4 of the Prevention of

Damage to Public Property Act, 1984 and u/s 37 (1), 37(3), 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 attend the concerned police station once in a week i.e. on every **Friday** between 10 am to 2 pm till filing of the charge-sheet.
 - c] The applicants shall not indulge into similar offence.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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