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

CRIMINAL BAIL APPLICATION NO. 2189 OF 2023

PRAMOD PRALHADRAO SOLANKE
VERSUS
THE STATE OF MAHARASHTRA

Mr. S.J. Salunke, Advocate for the applicant,
Mr. A.S. Shinde, APP for respondent.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 12th DECEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 370 of 2023 registered with Police Station, Majalgaon City, Dist. Beed for the offences punishable under Sections 307, 326, 308, 332, 336, 337, 324, 325, 353, 341, 342, 109, 143, 147, 149, 323, 427, 120B of IPC and U/sec. 3(1), 37(3) and 135 of the Maharashtra Police Act and under Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. The investigation was set in motion on the basis of information given by Mr. Kerba Makne, Police Inspector at Majalgaon City Police Station, Dist. Beed. He alleges that on 30th October 2023 while he was on duty, a large gathering of protesters in pursuance of demand for reservation assembled at Shivaji Maharaj Square. Although the police officers were preventing mob from indulging in illegal activities, the procession continued. The mob proceeded towards residence of the local MLA and pelted stones. They caused extensive damage to the properties. Even the residential house of the MLA was set ablaze along with vehicles parked in the yard. Firefighters were damaged. During the procession, the mob caused damage to the shops, college building, bus stand building with buses. Although the police officers made endeavour to disperse the mob, it turned violent and further proceeded towards Municipal Council building and damaged the computers, CCTV and

other office furniture. It is alleged that members of the unlawful assembly caused extensive damage to the public and private property. Accordingly, offence came to be registered.

3. The investigation progressed. The applicant came to be arrested on 8th November 2023. He was remanded to police custody. However, nothing incriminating could be seized from him.

4. Mr. Sudarshan Salunke, learned advocate for the applicant submits that the applicant has been firstly implicated in aforesaid crime. The first incident alleged to have taken place at Shivaji Maharaj Chowk to Sadola Chowk. The applicant is a resident of Sadola. While he was on his way towards village, his presence might have been recorded in CCTV, however, applicant was neither member of unlawful assembly nor he has participated in commission of any offence. Mr Salunke points out that the applicant had been remanded to police custody. In the remand application, investigating officer had expressed that the car of the applicant is to be recovered, however, it could not be identified or recovered. Mr. Salunke, therefore, submits that apparently a false case has been registered against the applicant.

5. Learned APP invited attention of this Court to the contents of the FIR so also the documents collected during the investigation and points out that huge public property has been set ablaze or damaged by the unlawful assembly. The applicant has been apprehended on the basis of secret information and compilation of CCTV footage. He submits that there is a strong prima facie case against the applicant. The investigation is still in progress. Hence, he urges to reject the prayer for the grant of bail.

6. Having considered the submissions advanced, it is apparent that the applicant is not named in the FIR. The applicant has been apprehended on the basis of suspicion. The remand report shows that the applicant is alleged to be one of the participants or member of the unlawful assembly which raised violent protests and caused damage to the property. The applicant was remanded to the police custody, however, nothing incriminating could be recovered. Even the so called vehicle used in commission of the offence could

not be recovered at the instance of the applicant. By this time, the investigation has been substantially progressed. The applicant is behind bars for more than 5 weeks. The learned App confirms that there are no criminal antecedents to discredit the applicant. In that view of the matter, further detention of the applicant would not be necessary. Hence, a case is made out for grant of bail.

: O R D E R :

- (I) The application is allowed.
- (ii) Applicant Pramod Pralhadrao Solanke, 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 with one solvent surety of the like amount each, in connection with on the following conditions :-
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the police station on every Saturday between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.
 - (c) He shall not indulge in similar activities.
- (iii) The application stands disposed of.

**[S.G. CHAPALGAONKAR]
JUDGE**

grt/-