



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

913 BAIL APPLICATION NO. 2307 OF 2023

**AJAY ANIL BHULANGE
VS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Shinde Shrikrishan S.
APP for Respondent/State : Mr. S.A. Gaikwad

...

WITH

BAIL APPLICATION NO. 2286 OF 2023

**LAXMAN RANGNATH SAWANT
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent/State : Mr. S.A. Gaikwad

...

WITH

BAIL APPLICATION NO. 2220 OF 2023

**SHRINIWAS SITARAM KALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Khande Avinash A.
APP for Respondent/State : Mr. S.A. Gaikwad

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 20.12.2023

PER COURT :

1. Heard.
2. Issue notice to the respondent in Bail Application No. 2307/2023.
Learned A.P.P. waives notice for the respondent-State.

3. All these bail applications are arising out of the same crime, those are taken up together for hearing.
4. The applicants seek 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.
5. 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.
6. The investigation progressed. The applicant-Ajay Anil Bhulange (in Bail Application No. 2307/2023) came to be arrested on 07.11.2023, applicant-Laxman Rangnath Sawant (in Bail Application No. 2286/2023) came to be arrested on 19.11.2023 and applicants-(1)Shriniwas s/o Sitaram Kale and (2) Shrikrushna s/o Malji Kale were arrested on 03.11.2023. They

were remanded to police custody. However, nothing incriminating could be seized from him.

7. Learned advocates for the applicants submit that the applicants have been firstly implicated in aforesaid crime. The first incident alleged to have taken place at Shivaji Maharaj Chowk to Sadola Chowk. While they were on their way towards their villages, their presence might have been recorded in CCTV, however, applicants were neither member of unlawful assembly nor they have participated in commission of any offence. The learned advocates point out that the applicants were remanded to police custody, however, nothing incriminating could be recovered. The learned advocates, therefore, submit that apparently a false case has been registered against the applicants.

8. 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 applicants have 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 applicants. The investigation is still in progress. Hence, he urges to reject the prayer for the grant of bail.

9. Having considered the submissions advanced, it is apparent that the applicants are not named in the FIR. The applicants have been apprehended on the basis of suspicion. The remand report shows that the applicants were alleged participants or member of the unlawful assembly that turned violent consequently caused damage to the property. The applicants were remanded to the police custody, however, nothing incriminating could be recovered. No specific role has been attributed against the applicants. Whether they were member of unlawful assembly will have to be determined in trial. By this time, the investigation has been substantially progressed. The applicants are behind bars for couple of months. The learned APP confirms that there

are no criminal antecedents their discredit. In that view of the matter, further detention of the applicants would not be necessary. Hence, a case is made out for grant of bail.

: O R D E R :

(I) The applications are allowed.

(ii) Applicant-Ajay s/o Anil Bhulange (in Bail Application No. 2307/2023), Applicant -Laxman Rangnath Sawant (in Bail Application No. 2286/2023) and Applicants- (1) Shriniwas s/o Sitaram Kale (2) Shrikrushna s/o Malji Kale (in Bail Application No. 2220/2023), be released on 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 on furnishing their 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) They shall not tamper with the prosecution witnesses.
 - (b) They shall attend the police station on every Saturday between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.
 - (c) They shall not indulge in similar activities.
- (iii) The applications stand disposed of.

(S. G. CHAPALGAONKAR, J.)

mkd/-