



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.2175 OF 2023**

1. Shravan S/o Abhiman Choure
2. Shubham S/o Subhash Darpe ..Applicants

Versus

The State of Maharashtra,
Through P.I. Police Station Shivajinagar,
Beed, Dist. Beed. ..Respondent

...

Mr. M. V. Salunke, Advocate for the Applicants.
Mr. S. A. Gaikwad, APP for Respondents-State.

...
AND
BAIL APPLICATION NO.2236 OF 2023

AKSHAY ABHIMAN MORE
VS
THE STATE OF MAHARASHTRA

...

Mr. S. R. Zambare, Advocate for the Applicant.
Mr. S. A. Gaikwad, APP for Respondents-State.

...
CORAM : S. G. CHAPALGAONKAR, J.

DATED : 19th DECEMBER, 2023.

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.577/2023 registered with Shivajinagar Police Station, Dist. Beed for the offences punishable under Section 307, 308, 120-B, 353, 332, 427, 435, 436, 143, 144, 147, 148, 149, 151, 152 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act, Sections 3 and 4 of the Prevention of Public Property Damage Act and Section 37(1), 37(3) and 135 of the Maharashtra Police Act.

2. The investigation was set in motion on the basis of information given by Mr. Chetan Vasantrao Ogale, Police Inspector at Shivaji Nagar Police Station, Beed. In nutshell, it is alleged that on 30.10.2023, he was on duty alongwith other police officers. At about 7.30 p.m, he received information from the Police Inspector Ketan Rathod that a mob consisting of 1000 to 1500 persons has been gathered nearby the house of sitting MLA situated at Nagar Road. The members of the unlawful assembly are holding stones, sticks, wooden logs, iron rods, bottles containing petrol. Accordingly, the informant reached to the spot. The mob was raising slogans in pursuance of their demand for reservation. The police warned them that their assembly is illegal. However, the mob became violent. The Police officers took preventive measures. By that time, some of the members of the mob entered in the bungalow of MLA and set ablaze the vehicles parked therein. Thereafter, the police officers raised counter attack in the form of Lathi Charge and fired rubber bullets and dispersed the mob. It is alleged that some accused persons have been arrested on the spot. Further part of the FIR relates to the subsequent incident, which is not relevant for the purpose of present application.

3. The applicants have been arrested in pursuance of the aforesaid crime on 31.10.2023. Since then, they are behind bar. Their prayer for grant of bail has been rejected by the Court of Sessions.

4. Mr. Salunke, learned Advocate appearing for the applicants in Bail Application No.2175/2023 and Mr. Zambare, learned Advocate appearing for the applicant in Bail Application No.2236/2023 would submit that the applicants have been falsely implicated in the aforesaid crime. Although the allegations in the

FIR states that applicants were nabbed on the spot or identified through CCTV footage, no specifications regarding their role in commission of offence is narrated in FIR or further investigation papers. In fact, the persons who have caused damage to the property ran away from the spot. The applicants are made scapegoats.

5. The learned APP strongly opposes the application. He would submit that the applicants are arrested on the spot. They were members of unlawful assembly which turned violent and caused damage to the property.

6. Having considered the submissions advanced, and after taking into account the contents of the FIR, it appears that the applicants have been arrested on the suspicion. The narration in the FIR states that the mob of about 1000 to 1500 persons had gathered on the spot in pursuance of the demand for reservation. The contents of the FIR nowhere specifies actual role of the applicants in commission of the offence. Whether the applicants were infact members of the unlawful assembly, whether they can be held responsible for the acts committed by unlawful assembly, would be a matter of trial. The applicants are behind bar since 31.10.2023. Although they were remanded to police custody, nothing incriminating could be recovered from them. The investigation in the matter is practically at advanced stage. Further detention of the applicants would not be necessary. No criminal antecedents are brought on record to discredit applicants. Hence, a case is made out for grant of bail, subject to certain conditions. Hence, the following order:

ORDER

(i) Bail Applications are allowed.

(ii) The applicants, Shravan S/o Abhiman Choure, Shubham S/o Subhash Darpe in BA/2175/2023 and applicant Akshay Abhiman More in BA/2236/2023 be released on bail in Crime No.577/2023 registered with Shivajinagar Police Station, Dist. Beed for the offences punishable under Section 307, 308, 120-B, 353, 332, 427, 435, 436, 143, 144, 147, 148, 149, 151, 152 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act, Sections 3 and 4 of the Prevention of Public Property Damage Act and Section 37(1), 37(3) and 135 of the Maharashtra Police Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicants shall not tamper with the prosecution evidence in any manner.
- b. The applicants shall attend concerned police station once in a week i.e. on every Saturday between 10.00 am to 02.00 pm till filing of the charge-sheet.
- c. The applicants shall not indulge in criminal activities.
- d. The applicants shall attend each and every effective date before Trial Court.

(iii) Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE