



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

958 BAIL APPLICATION NO. 2284 OF 2023

WITH

BA/2255/2023 with BA/2256/2023

WITH

BA/2288/2023

WITH

BA/2308/2023 with BA/2306/2023

PRATIK BABURAO DHANDE AND OTHERS

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

.....

Advocate for Applicant : Ms. A.A.Lomte h/f Mr. S.J. Salunke (IN
BA/2284/2023, BA/2288/2023, BA/2255/2023 with
BA/2256/2023

APP for Respondent/State : Mr. A.S. Shinde (in BA/2308/2023
& BA/2306/2023

Advocate for Applicant : Mr. V.S. Kadam (in BA/2308/2023
with BA/2306/2023)

Advocate for : Mr.

Advocate for Applicant :- Mr. V.D.Salunke (Senior Advocate) i/b
Mr. M.V. Salunke (in BA/2306/2023)

APP for Respondent-State : Mr. S.A. Gaikwad (in BA/2308/2023
with BA/2306/2023

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 21.12.2023.

PER COURT :

1. The applicants are seeking regular 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, 120-B, 353, 332, 427, 435, 436, 143, 144, 145, 147, 148, 149, 151, 152 of IPC, U/Sec. 7 of the Criminal Law Amendment Act and U/sec. 3(1), 37(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 Vasantrao 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.

3. Learned advocates 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. They further submits that the applicants are falsely implicated in aforesaid crime. Many of them are named in the FIR as suspects, others are roped in subsequently, based on alleged secret information or CCTV footage. No specific roles have been attributed against them. There are no criminal antecedents. The investigation has been advanced and further detention of the applicants would not be necessary.

4. Learned APP strongly opposes the prayer for grant of bail. He points out that members of the unlawful assembly created havoc in Beed town and ablaze the houses of the political leaders, Offices of political parties and educational jal,

6) Annasaheb Sakharam Baglane 7) Pradip Ankush Wagh, 8) Datta Ashok Thokre, 9) Onkar S/o Anant Rakshe, 10) Naresh S/o Ramesh Jadhav 11) Prathamesh S/o Rajesh Harke, 12) Sushil S/o Sunil institutions along with 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.

5. 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, some of them are not named in the FIR or named being suspects. The investigation progressed. However, no specific role is attributed against the applicants. Even the material, which is placed before this Court does not clinchingly pin point out active role of the applicants in 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

they were either silent protesters or they were not members of unlawful assembly cannot be ruled out at this stage. Even otherwise, the investigation in the matter is substantially progressed. Further detention of the applicants would not be necessary. No criminal antecedents are brought to notice of this Court to discredit applicant. 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) Pratik Baburao Dhande, 2) Gaurav Amarnath Pawar, 3) Yogesh Baburao Bhosle, 4) Ajay Gawaliram Game, 5) Yogesh Aatmaram Gunjal, 6) Annasaheb Sakharam Baglane 7) Pradip Ankush Wagh, 8) Datta Ashok Thokre, 9) Onkar S/o Anant Rakshe, 10) Naresh S/o Ramesh Jadhav 11) Prathamesh S/o Rajesh Harke, 12) Sushil S/o Sunil Bagal, 13) Amol S/o. Baliram Lehane, 14) Sudhir S/o; Marotirao Kargude, 15) Dnyaneshwar S/o. Vishwanath Gaikwad and 16) Akash S/o Dattatraya Gaywal 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, 120-B, 353,

332, 427, 435, 436, 143, 144, 145, 147, 148, 149, 151, 152 of IPC, U/Sec. 7 of the Criminal Law Amendment Act and U/sec. 3(1), 37(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 indulge in any criminal activities.
 - (d) They shall attend each and every effective date before the trial Court.
- (iii) The applications stand disposed of.

(S.G. CHAPALGAONKAR)
JUDGE