



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

ANTICIPATORY BAIL APPLICATION NO. 2012 OF 2023

ABHIJIT RAMESHWAR PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Jaydeep Kadam, Advocate h/f Mr. Mayur V. Salunke, Advocate for
Applicant
Mr. N.B. Patil, APP for Respondent – State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th FEBRUARY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.340/2023, registered with Neknoor Police Station, Beed, for offence punishable under Sections 307, 308, 323, 353, 336, 109, 427, 120-B, 149, 143, 144, 147 of the Indian Penal Code, Section 3(2)(e) of the Prevention of Damage to Public Property Act and Sections 37(1) and (3), 135 of the Maharashtra Police Act, 1951.

2. FIR is lodged by police constable Gorakhnath Bajirao Rathod, alleging that he was on duty as police station officer at Highway Police Post on Manjarsumbha. On 30th October, 2023, in the evening mob was burning tyres and obstructing vehicles on the highway. At 19:00 Hrs. some of the protesters who were sitting for fast at Manjarsumbha square, approximately 100 to 150 persons, came towards their outpost. Some of the persons in mob were carrying iron rod, pipes, sticks and stones. They were raising

slogans. Some of the members of mob demolished police vehicle bearing No.MH-12-RT-9618. Since there was huge mob, informant and his colleagues did not tried to protest. The mob also demolished vehicle No. MH-23-BC-9677. Then the mob started pelting stones towards the post. Informant and his colleagues, therefore, entered the post and sat in one of the rooms. It is further alleged that persons from the mob were taking names and instigating each other to pelt stones.

3. Heard learned advocate for applicant and learned APP for the State. Perused the investigation papers.

4. *Prima facie* the allegations in the FIR that while pelting stones, persons in the mob were taking each others names and instigating to pelt stones, appear improbable. Applicant claims to be journalist and editor of local newspaper. He has no criminal antecedents. Considering vague allegations made in the FIR, his custodial detention is not necessary, as nothing is to be recovered from him. Application is, therefore, allowed by confirming interim protection granted to applicant by order dated 06th December, 2023.

(NITIN B. SURYAWANSHI, J.)