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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.2029 OF 2023

Nitin Ganeshrao Newde

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. R. R. Karpe h/f Mr. D. S. Patil, Advocate for the applicant
Mr. A. R. Kale, APP for respondent - State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.250 of 2023 registered with Beed City Police Station, District - Beed for offence punishable under section 307, 308, 353, 332, 336, 337, 338, 342, 436, 120-B, 143, 147, 148, 149, 151, 152 of the Indian Penal Code, under Section 3 & 4 of Prevention of Damage to Public Property Act, under section 7 of Criminal Law Amendment Act and under section 37 (1), 37 (3) and 135 of the Maharashtra Police Act.

2. FIR is lodged by PSI Kiran Pawar alleging that on 30th October, 2023 at about 5.30 to 6.00 p.m. a mob of 200 to 250 persons gathered and formed unlawful assembly. They were

armed with stones, wooden logs, iron bars etc. With pre-planning the mob attacked shop of Shubhan Jewelers and wrongfully confined persons in the said shop. Thereafter the mob set motorcycles parked in front of the shop on fire. Thereafter, they pelted stones on the house of MLA Shivajirao Pandit. Police prevented the mob from causing damage to members of Pandit family. Due to stone pelting by mob, police as well as common people sustained injuries. Thereafter mob attacked, Zilla Parishad, Nagar Parishad, Rashtrawadi Bhavan and caused damage of Rs.80,40,000/- to public as well as private property.

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

4. Learned APP submits that since applicant was seen as a member of a violent mob, he is not entitled for protection.

5. Though name of the applicant is stated in the FIR, from the investigation papers it appears that applicant is seen in the mob of more than 500 persons. It is not the case of prosecution that applicant was carrying any stick/stone/brickbat or tiles in his hand. Mere presence of applicant in the violent mob would not be sufficient to seek custody of applicant in the present matter.

6. Applicant is working as a primary teacher in Zilla Parishad school at Daithana, Taluka – Ghansawangi, District – Jalna. He is not likely to abscond and he will be available for trial. Nothing is to be recovered from applicant. If arrested applicant may lose his job.

7. In that view of the matter, application is allowed.

8. In the event of arrest of applicant - Nitin Ganeshrao Newde in Crime No.250 of 2023 registered with Beed City Police Station, District - Beed be released on executing PB and SB of Rs.15,000/- with one surety in the like amount. Till filing of the charge sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Investigating Officer shall call the applicant after his working hours are over.

[NITIN B. SURYAWANSHI]
JUDGE