



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 BAIL APPLICATION NO. 2281 OF 2023

Mauli Balasaheb Chandne

Versus

The State Of Maharashtra And Another

...

WITH

BAIL APPLICATION NO. 2283 OF 2023

1. Gorakh Jalindar Surwase

2. Umesh Rajkumar Surwase

Versus

The State Of Maharashtra And Another

...

Advocate for Applicants : Mr. V.H. Pathade

APP for Respondents: Mr. Satish A. Gaikwad

...

WITH

BAIL APPLICATION NO. 2302 OF 2023

Shahadeo Haribhau Kandhare

Versus

The State Of Maharashtra

...

Advocate for Applicant : Mr. Salunke Sudarshan J

APP for Respondents: Mrs. Pratibha J. Bharad

.....

WITH

BAIL APPLICATION NO. 2310 OF 2023

1. Krushna s/o Ashok Jagtap

2. Santosh s/o Gokul Darphe

3. Anil s/o Bhausahab Ghavade

4. Akash s/o Digambar Shinde

5. Amol s/o Baliram Lahane

6. Shubham s/o Dadarao Kidande

7. Baban s/o Keshav Lahane

8. Balasaheb s/o Chandrakant Shinde

Versus

The State Of Maharashtra

...
Advocate for Applicants : Mr. Kadam Vishal S
APP for Respondents: Mrs. Pratibha J. Bharad

WITH
BAIL APPLICATION NO. 2364 OF 2023

Anil Bhausahab Ghavade
Versus
The State Of Maharashtra

...
Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondents: Mrs. Pratibha J. Bharad
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CORAM : SANJAY A. DESHMUKH, J.
DATED : 5th JANUARY, 2024.

PER COURT :-

1. The applicants in all these applications are seeking regular bail under section 439 of Cr.P.C. in connection with crime No. 0250 of 2023 registered with Beed city police station, District Beed, for the offences punishable under Sections 307, 308, 353, 332, 336, 337, 338, 342, 436, 120-B, 143, 147, 148, 149, 151, 152 of I.P.C., under Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, Section 7 of Criminal Law Amendment Act, 1932 and Section 37(1), 37(3) and 135 of Maharashtra Police Act. Their applications with similar prayer came to be rejected by the learned Additional Sessions Judge-2, Beed, vide orders dated 21.11.2023 and 24.11.2023.

2. It is alleged that all applicants alongwith 200 to 250 persons gave slogans for pressing their demand of reservation on 30.10.2023. They formed an unlawful assembly and pelted stones on shutters and glass of Jewellery shops and ablaze two motorcycles, thereby causing loss of

property worth Rs.1.5 Lakhs. There was a mob of 600 to 700 persons, who pelted stones on the house of Ex-minister and caused damage to the property. Some of the members of unlawful assembly pelted stones on the police officials who were discharging their official duties. 22 persons' names were revealed and they were arrested. The applicants therefore, prayed for bail.

3. Learned counsel for the applicants in respective applications submitted that no role of the applicants is spelled out from the report and other documents. The custodial interrogation of the applicants is not required. The applicants have roots in the society. The co-accused are released on bail, in bail application No. 2112 of 2023, by this court, by order dated 06.12.2023.

4. Learned A.P.Ps. for the respondent-State have strongly opposed the applications on the ground that a mob of 600 to 700 peoples caused damage to the public property and also assaulted to the police officials. They have also set ablaze the shops and house properties of the public. The applicants are found on the spot and arrested immediately. The learned A.P.P. submitted that some of the applicants are found in the CCTV footage. Considering the serious nature of the crime, they prayed to reject the applications.

5. Perused the report. The role of the applicants is not specified. Considering the nature of crime and the present applicants are similarly

situated like the applicant in criminal application No. 2112 of 2023, who is already released on bail, the present applicants are certainly entitled for bail on the basis of parity, on certain conditions. Thus, the applications deserve to be allowed. Hence, the following order.

O R D E R

- I. Applications are hereby allowed.
- II. The applicants in all these applications, in connection with crime No. 0250 of 2023 registered with Beed city police station, District Beed, for the offences punishable under Sections 307, 308, 353, 332, 336, 337, 338, 342, 436, 120-B, 143, 147, 148, 149, 151, 152 of I.P.C., under Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, Section 7 of Criminal Law Amendment Act, 1932 and Section 37(1), 37(3) and 135 of Maharashtra Police Act, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- each, with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence in any manner.
 - b) The applicants shall not indulge into criminal activities.
 - c) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. to 02.00 p.m. till filing of charge sheet.

(SANJAY A. DESHMUKH, J.)