



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 BAIL APPLICATION NO. 2311 OF 2023

1. Datta s/o Kabir Shinde (withdrawn)
2. Jagdish s/o Ramesh Ware
3. Pruthviraj @ Babalu s/o Angad Kothekar

Versus

The State Of Maharashtra

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Advocate for Applicant : Mr. Kadam Vishal S
APP for Respondent: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 5th JANUARY, 2024.

PER COURT :-

1. Learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted. The application of applicant No.1 stands disposed of as withdrawn.

2. In so far as applicant Nos. 2 and 3 are concerned, they are seeking bail under section 439 of Cr.P.C. in connection with crime No. 341 of 2023 registered with Beed Rural police station, District Beed, for the offences punishable under Sections 307, 308, 436, 427, 143, 147, 148, 149, 506 of I.P.C. Their application with similar prayer bearing criminal bail application No. 1226 of 2023 came to be rejected by the learned Additional Sessions Judge-2, vide order dated 06.12.2023.

3. It is alleged that the applicants and other accused persons

went to Hotel Sunrise at Eknath Nagar, Beed. It is alleged that on 31.10.2023, the applicants were agitating for Maratha reservation. They went to Hotel Sunrise and threatened to shut it down. They set on fire the said hotel by pouring petrol and caused damage to the said hotel worth Rs.5,50,000/- and cash worth Rs.20,00,000/- were also burnt. With these allegations, the report is filed.

4. Learned counsel for the applicants submitted that the role of the applicants is not spelled out in the report. There is no prima facie evidence against the applicants. Some of the co-accused are released on bail by the learned Sessions Court, Beed. He therefore, prayed for allowing the application.

5. Learned A.P.P. for the respondent-State has strongly opposed the application by pointing out that in CCTV footage some of the co-accused are captured and therefore, she prayed for rejecting of the application.

6. Perused the report and the papers of investigation. The role of the applicants is not spelled out in the report. The applicants have roots in the society. They will not flee away from the trial. The trial would take long time. The custodial interrogation of the applicants is not required. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed to the extent of applicant Nos. 2 and 3.
- II. The applicant Nos. 2 and 3, in connection with crime No. 341 of 2023 registered with Beed Rural police station, District Beed, for the offences punishable under Sections 307, 308, 436, 427, 143, 147, 148, 149, 506 of I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and/or shall not threaten the prosecution witnesses, in any manner.
 - b) The applicants shall not enter in the area where the Hotel Sunrise, Beed, is situated, till the conclusion of the trial.

(SANJAY A. DESHMUKH, J.)

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