



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

941 BAIL APPLICATION NO. 9 OF 2024

SHASHIKANT S/O SHRIRANG JAWALE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Umesh S. Mote, h/f Mr. Vishal S. Kadam.
APP for Respondent/State : Mrs. Pratibha J. Bharad.

...

AND

BAIL APPLICATION NO. 2366 OF 2023

GANESH S/O MACHINDRA MANE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Sudheer Ramdas Zambare.
APP for Respondent/State : Mrs. Pratibha J. Bharad.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 17th January, 2024.

P.C.:

1 Heard.

2 These are applications, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.577 of 2023, registered at Shivajinagar Police Station, District Beed, for the offences punishable under Sections 307, 308, 120-B, 353, 332, 427, 435, 436, 143, 144, 145, 147, 148, 149, 151 and 152 of the Indian Penal Code, Section 7 of the Criminal Law

Amendment Act, Sections 3 and 4 of the Prevention of Public Property Damage Act and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.

3 The report is lodged by Chetan Vasantrao Ogale, Police Sub-Inspector of Shivajinagar Police Station, Beed alleging that on 30th October, 2023, he was on duty to maintain law and order at Bus-Stand, Beed. He got instructions to proceed to the Bus-Stand, Beed where more than 1,500 protesters were gathered. The applicants were members of that mob having inflammable articles and weapons with them. The police were not able to control the mob. It becomes more violent. They started to set ablaze the parked vehicles in that area. It is further alleged that another incident took place at about 07:00 pm where more than 400 to 500 peoples started to pelt stones on the S.T. 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. The mob also set on fire various offices of various political parties and leaders as well as one Adarsh educational institution. The applicants were napped on the spot. Therefore, crime was registered against the applicants and others.

4 The learned advocates for applicants submitted that the

practical investigation is over. No any incriminating articles are seized at the instance of the applicants. No any specific role is attributed to the applicants. They have no criminal antecedents. Detention of the applicants is not necessary. It is lastly prayed to allow these applications.

5 The learned APP for the State strongly opposed both these applications and submitted that the applicants were actually involved in the crime and they were arrested on the spot. Considering their nature of overt acts, it is lastly prayed to reject the applications.

6 Perused the papers of investigation, particularly, the report. No doubt, the applicants were found on the spot and they were arrested on the same day, however, practical investigation is over. The applicants have roots in the society. They have no criminal antecedents. The applicants will not flee away from trial. The trial will take long period. Therefore, considering the nature of crime, the applicants can be released on bail on certain conditions. Hence, the following order:-

ORDER

- I. Both the applications are allowed.
- II. The applicants in connection with Crime No.577 of 2023, registered at Shivajinagar Police Station, District Beed, for the

offences punishable under Sections 307, 308, 120-B, 353, 332, 427, 435, 436, 143, 144, 145, 147, 148, 149, 151 and 152 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act, Sections 3 and 4 of the Prevention of Public Property Damage Act and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.50,000/- each with solvent surety of the like amount on following conditions:-

- a) The applicants shall not pressurize the witnesses.
- b) The applicants shall not tamper with the prosecution evidence, in any manner.
- c) The applicants shall not indulge in similar activities again.
- d) The applicants shall attend Shivajinagar Police Station, District Beed on every Monday in between 10:00 am to 02:00 pm.
- e) The applicants shall attend each and every effective date of the Trial Court.

[SANJAY A. DESHMUKH, J.]

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