

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

CRIMINAL APPLICATION NO. 1114 OF 2015

Mohsin Khan S/o Khayum Khan & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. G.P.Shinde, Advocate for Applicants.

Mrs. V.A.Shinde, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th MARCH, 2015

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PER COURT :

1. This is an application filed by the applicants to release them on bail in connection with Crime No. 15/2015 registered with police station Hadgaon, Dist. Nanded for the offence punishable u/s 143, 147, 148, 149, 336, 353, 153, 323, 427 of the Indian Penal Code, 1860, u/s 3 (7) of the Criminal Law Amendment Act, 1932 and u/s 135 of the Bombay Police Act.

2. Heard Mr. G.P.Shinde, the learned Counsel for the applicants and Mrs. V.A.Shinde, the learned A.P.P. for respondent – State.

3. All the applicants are in jail since the date of their arrest i.e. 14/02/2015, 15/02/2015 and 16/02/2015. The F.I.R. shows that there was some message on “Whats APP”, thereby the feelings of Muslim people were hurt and, therefore, the applicants who belongs to the Muslim religion, went in police station for taking action against the person who has circulated the message on “Whats APP”. In that process, the acts committed by the present applicants are such, by which it could be said that they have committed the offences as stated in the F.I.R.

4. This Court is not approving the act on the part of the present applicants. However, at the same time, one should not forget the fact that since 14/02/2015 the applicants are in jail and the investigation is almost at the stage of its completion, is the statement of the learned A.P.P. In that view of the matter, I feel that custodial presence of the applicants is not required.

5. Hence, I pass the following order :

- (i) Criminal Application No. 1114 of 2015 is hereby allowed.
- (ii) Applicant Nos. 1 to 17 shall be released on bail in connection with Crime No. 15/2015

registered with police station Hadgaon, Dist. Nanded, for the offences u/s 143, 147, 148, 149, 336, 353, 153, 323, 427 of the Indian Penal Code u/s 3 (7) of the Criminal Law Amendment Act, 1932 and u/s 135 of the Bombay Police Act on they executing P.R.Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.

- (iii) The applicants shall not indulge themselves in such act thereby to create any disturbance in the society.
- (iv) Criminal Application No. 1114 of 2015 is disposed of.

[V.M.DESHPANDE, J.]