

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1101 OF 2016

- 1] Iqbal Shaikh Ahmed Shaikh,
age : 19 years, Occup. Labour,
r/o.: Near Ekta Chowki,
Nandurbar
- 2] Riyaz Shaikh Ainoddin Shaikh,
age : 35 years, Occup. Labour,
r/o.: As above,
- 3] Irfan Shaikh Salim,
age : Major, Occup. Labour,
r/o.: As above,
- 4] Taher Khan Babe Khan,
age : 30 years, Occup. Labour
r/o.: Near Kali Masjid, Nandurkar,
Tq. & Dist. Nandurbar
- 5] Sirajuddin Aenoddin Shaikh,
age : 32 years, Occup. Labour,
r/o.: as above,
- 6] Altaf Isaaq Pinjari,
age : 27 years, Occup. Labour,
r/o.: As above,
- 7] Shoeb Khan Samad Khan Pathan,
age : 23 years, Occup. Labour,
r/o.: as above,
- 8] Rubab Ali Azhar Ali Sayyed,
age : 30 years, Occup. Labour,
r/o.: as above

- 9] Malak Azhar Malak Ashfaq,
age : 18 years, Occup. Labour,
r/o.: Mujawar Mohalla, Nandurbar
- 10] Aslam Hussain Ansari,
age : 36 years, Occup. Labour,
r/o.: as above,
- 11] Tazim Alim Shaikh,
age : 30 years, Occup. Labour,
r/o.: as above,
- 12] Imran Munir Kakar,
age : 25 years, Occup. Labour,
r/o.: as above,
- 13] Mansoori Tanvir
Ahmed Shaikh Jakir,
age : 23 years,
Occup. Press Reporter,
r/o.: as above
- 14] Ansari Tajim Mohammad Nisar,
age : 23 years,
Occup. Press Reporter
r/o.: as above. ..APPLICANTS

VERSUS

The State of Maharashtra
Through its Police Inspector;
Nandurbar City Police Station,
Dist. Nandurbar ..RESPONDENT

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Mr. S.S. Kazi, advocate for applicants
Mr. A.R. Borulkar, A.P.P. for respondent/State

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CORAM : M.T. JOSHI, J.

DATE : MARCH 15, 2016

PER COURT :

Heard both sides.

2] The applicants, who are arrested in Crime No.9 of 2016 registered with Nandurbar City Police Station, Dist.Nandurbar for the offences punishable under Section 307, 143, 147, 148, 149, 353, 332, 435, 354, 294, 427 of Indian Penal Code and Section 3/25 and 4/25 of the Arms Act, are praying for their release on bail.

3] The arguments from both sides as well as the case papers would show that on 23rd January, 2016, a communal riot took place at Nandurbar about death of Rohit Vemula, a student of Hyderabad Central University. One stone was hurled in the wedding function of one Ibrahim Haroon Mistry. Therefore, the persons from Muslim community

thought that riot has begun. Thereafter, the mobs from two rival communities had gathered. In the incident, the members of the rival communities attempted to set on fire one Afsana Mohsin Ali while, due to hurling of stones from the mob of Muslim community, five police constables had suffered injuries. In the circumstances, the crime came to be registered.

4] Learned counsel for the applicants submits that the applicants are behind the bars since 23rd January, 2016. They are, in fact, unnecessarily implicated in the crime. The allegations of attempt to commit murder can be attributed to the members of the rival community. He, therefore, submits that the present applicants may be released on bail.

5] On the other hand, learned A.P.P. for the respondent – State opposes the application. He

submits that the communal riots take place regularly in the area where the present incident has occurred. In the circumstances, it is difficult to control the people. He submits that attempt to commit murder of police officials has occurred and therefore, the applicants may not be granted bail.

6] Considering all the facts on record, finding that the applicants are behind the bars since 23rd January, 2016 and the role attributed to them in the complaint, in my view, the applicants can be released on bail on certain stringent conditions.

7] Hence, the following order :-

A] Criminal Application is hereby allowed.

B] The applicants be released on bail in connection with Crime No.9 of 2016 registered with Nandurbar City Police Station, Dist.Nandurbar for

the offences punishable under Section 307, 143, 147, 148, 149, 353, 332, 435, 354, 294, 427 of Indian Penal Code and Section 3/25 and 4/25 of the Arms Act, upon their executing P.R. bond in the sum of Rs.15,000/- (Rs.Fifteen Thousand) each and also upon furnishing surety each in the like amount.

C] The applicants nos.1 to 6 shall attend the concerned Police Station on every third Monday between 9:00 am. and 10:00 am.; applicants nos.7 to 12 shall attend the concerned Police Station on every third Tuesday between 9:00 am. and 10:00 am.; and applicant nos.13 and 14 shall attend the concerned Police Station on every third Wednesday between 9:00 am. and 10:00 am., for a period of three months from the date of their release on bail.

[M.T. JOSHI, J.]

kbp