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

CRIMINAL APPLICATION NO.3946 OF 2016

Yusuf Khan Noor Khan

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P.S. Paranjape, Advocate for applicant;

Mr A.S. Shinde, Addl. Public Prosecutor for respondent;

Mr Amol N. Kakade, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 28th July, 2016

ORAL ORDER :

By the present application, the applicant seeks his enlargement on bail, in connection with C.R. No.67 of 2016, registered with Yawal police station, for offences punishable under sections 143, 147, 148, 149, 307, 323, 324, 504 of the Indian Penal Code and under section 37 (1) (3) read with section 135 of the Bombay Police Act.

2. It is the story of the prosecution that from madarsa (school), the complainant was permitted to draw water upon payment of certain amount. As there were differences between the complainant and the person managing madarsa, the applicant led a mob and assaulted the complainant, resulting into registration of the crime.

3. While trying to make out a case for grant of bail, Mr Paranjape, learned Counsel appearing on behalf of the applicant would strenuously

(2)

urge that the role attributed to the applicant is only of leading a mob and there is no overt act attributed in actively participating in the assault on the complainant. He would then submit that in this background, custodial interrogation of the applicant is not necessary.

4. Learned Addl. Public Prosecutor opposed the application on the ground that it is the applicant who led the mob and provoked them to assault the complainant. He would rely upon the investigation papers.

5. Having considered rival submissions, particularly as regards the contents of the first information report, an unruly mob was led by the present applicant which has assaulted the complainant with sticks, bat, etc. It is the applicant who provoked the mob to assault the complainant. Although the applicant has not actively participated in actual physical assault, yet the entire assault appears to have been made under the supervision and direction of the applicant.

6. There is strong material available on record against the applicant depicting his involvement in the crime in question. In view, thereof, the applicant does not deserve grant of pre-arrest bail. In the result, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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