

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1325 OF 2016**

Amjad @ Bablu Gani Qureshi Applicant
vs
State of Maharashtra Respondent

Mr.S.K.Dubey I.b Mr.Ajay Kumar Upadhyay for Applicant
Mr.Arfa Sait Additional Public Prosecutor for State
Mr.P.P.Bhalerao API Ozar police station present

CORAM: A.M.BADAR, J
DATE: 4TH AUGUST, 2016

P.C.

1. Applicant/accused in Crime No.66 of 2016 for the offence punishable under sections 395,427 of the Indian penal Code registered with police station Ozar District Nasik at the instance of the informant-Jyoti Diliprao Mahan by this application is seeking pre-arrest bail.

2. Heard learned counsel for the Applicant/accused. He argued that there was some misunderstanding due to the message on What's App. Present applicant had been to the police station for lodging a report. He had nothing to do with the crime in question. The learned counsel argues that there is a delay in lodging of the FIR. He argued that vague allegations are made against the present Applicant. According to him investigation of the crime is already over

and therefore, custodial interrogation of the present Applicant is not warranted. Learned counsel for the Applicant states that only glasses were broken.

3. The learned APP opposed the application by arguing that there is enough material to connect the Applicant to the crime in question and his custodial interrogation is warranted. The offence is of dacoity.

4. Perused papers of investigation. The Applicant has relied on a FIR lodged by Pathan Abdul Khalif Kurshid Khan against Dr.Dilip Mohan who appears to be the owner of Mohan Hospital and Research Centre located at Datta Nagar, Ozar Niphad. The FIR lodged by Pathan Abdul Khalif Kurshid Khan shows that Dr.Dilip Mohan had sent some objectionable text on Whats App hurting the religious feelings. Accordingly, Crime No.I-65 of 2016 came to be registered against Dr.Dilip Mohan with police station Ozar and he was arrested by the police.

5. Record of investigation goes to show that thereafter a mob of 15 to 20 persons headed by the present Applicant Amjad @

Bablu Gani Qureshi and others rushed to the hospital run by Dr.Dilip Mohan. At that time, Jyoti Diliprao Mohan wife of Dr.Mohan was present in the hospital. Members of the mob were armed with sticks and stones. Members of the mob pelted stones at the hospital which has resulted in breaking of glasses of the hospital as well as of an ambulance. The FIR shows that the mob entered inside the hospital and ransacked the hospital by breaking open the drawer. It is averred that members of the mob had taken away an amount of Rs.25,000/- from the hospital. The informant has categorically stated that the present Applicant along with Dr.Arif and Dr.Aslam Shaikh were pelting stones at the hospital and were raising slogans. The spot panchanama recorded by the Investigating Officer corroborates the version of the informant. There are eye-witnesses to the incident who are naming the present Applicant as one of the member of the mob which indulged in dacoity as also ransacking the hospital.

6. The learned APP has drawn my attention to the provisions of The Maharashtra Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or loss to Property) Act, 2010 and particularly to the penal provisions in said Act.

7. The offence alleged against the present Applicant is serious. His complicity in the crime in question is well-established.

8. Considering the nature of the offence, custodial interrogation of the present Applicant is a must. No case for Anticipatory bail is made out. The Application is rejected.

(A.M.BADAR, J)