

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1923 OF 2016

Mr. Mutalif Janmohanmad Kureshi @ Bepari. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Sachin B. Thorat, advocate for Applicants.

Mr. Prashant Jadhav, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J

DATE : NOVEMBER 23, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 152 of 2016 registered at Junnar Police Station for offence punishable under Section 143, 147, 149, 186, 341 and 353 and 336 of Indian Penal Code and 3, 7 of Public Property Damages Act, 1984

and Sec. 11 of Wildlife Protection Act as well as S. 5, 5(A), 5(C) 5(b) 9(A) of Cow Slaughter Amendment Act, 1995.

3 It is the case of the prosecution that on the basis of the secret information on 14/8/2016 at about 7.45 p.m. PSI Diwate and police staff went to Kasaiwada, Junnar. They went to the house of Foujan Qureshi. According to them, they saw some people were loading beef. They started making enquiry. At that time, people gathered there and started resisting the police officers. It is alleged that the complainant was assaulted by the mob. There was pelting of stones and bricks.

4 It appears that there was suspicion that there was trading of beef. The doctor has also given certificate to that effect. It appears from the papers of evidence that there was a mob and that there was pelting of stones by the people in the mob. No specific role can be attributed to the present applicant. Moreover, there is no injury

certificate to show that anybody in the locality was injured in the said incident.

6 Taking into consideration the papers of investigation and nature of allegations, the applicant deserves pre-arrest bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same while deciding application for discharge or quashing of FIR or at the time of trial.

8 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in crime No. 152/2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more sureties in the like amount.

(iii) The applicant shall report to concerned police station on four consecutive Sundays commencing from 27/11/2016 between 10 a.m. to 12 noon and cooperate with the investigating agency to the best of his capacity.

(iv) The applicant shall not tamper with the evidence.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)