

Anand

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

BAIL APPLICATION NO. 2383 OF 2017

Shabbir alias Shajjad Salim Shah & anr. .Applicants

Vs.

The State of Maharashtra .Respondent

Mr. M. A. R. Shaikh, Advocate, for the Applicants
Mrs. J. S. Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C. R. No. I-302 of 2016 registered with the Shanti Nagar Police Station, District - Thane, for the alleged offences punishable under Sections 307, 395, 436, 353, 332, 336, 338, 143, 147, 148, 149, 427 of the Indian Penal Code, Sections 3 & 4 of the Maharashtra Prevention of Defacement of Property Act, Sections 3 & 7 of the Criminal Amendment Act and Section 37(1)(3)135 of the Maharashtra Police Act.

3. Perused the charge-sheet. The alleged incident has taken place on 12.10.2016 at about 7.30 p. m. when the Tajia procession was going on. In the Tajia procession, stones were pelted pursuant to which the dispute started. Several persons have lodged complaints against each other. There are four cases registered by the parties in the present case. The specific allegation as against the Applicants is that they were instigating the persons present at the spot. It is specifically stated by one of the witnesses Shri Aftab Ahmed Irshad Ahmed Ansari that one of the persons in the crowd i. e. Mohammed Akram Habibullah Ansari alias Plumber removed a knife from his pocket and started shouting “not to leave the persons” and that similarly, the present Applicants also started instigating the persons present at the spot. It appears that pursuant thereto, the mob attacked the police station and damaged the police station as well as the police cars and also set the vehicle ablaze. In the said incident, one police on duty sustained 41% burn injuries. Learned APP further states that almost 14 police officers have received burn injuries in the said incident. This Court (Coram : A. S. Gadkari, J.) vide Order dated 13.02.2018 in the case of Mohammad Abrar Shaikh Burhan Momin was pleased to dismiss his Application as withdrawn. Learned APP states that the role of the present Applicants was similar to that of Mohammad Abrar Shaikh Burhan Momin.

4. Considering the prima facie material as against the Applicants, this is not a fit case to enlarge the Applicants on bail. Hence, the Application stands rejected. However, the Applicants are granted liberty to file a fresh Application seeking their enlargement on bail, if the trial does not commence within nine months from the date of receipt of this order, for no fault of theirs.

(REVATI MOHITE DERE, J.)