IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 186 OF 2020

1. Shahebaz Khan s/o Mohabbat Khan,
Age: 25 years, Occupation : Labourer,
R/o Juna Bazar, Beed,
Taluka and District Beed.

2. Shaikh Abdul Khadar S/o Abdul Rahim,
Age: 25 years, Occupation: Labourer,
R/o : Azizpura, Beed.
Taluka and District Beed. .. Applicants

Versus

The State of Maharashtra,
Through Shivaji Nagar Police Station,
Beed, Taluka and District Beed. .. Respondent

...

Advocate for Applicants : Mr. Patel Khizer
APP for Respondent- State : Mr. V. M. Kagne

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CORAM : MANGESH S. PATIL, J.

DATE : 25.06.2021

PER COURT :-

1. The applicants are the two of the accused from Crime No. 518 of 2019 registered with Shivajinagar Police Station, Beed, District Beed for the offences punishable under Sections 307, 353, 332, 333, 336, 143, 145, 147, 148, 149, 151, 152, 186, 188, 427 and 120-B of the Indian Penal Code, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 135 of the Maharashtra Police Act and Criminal Law Amendment Act, 1932, seeking bail in the event of their arrest.

2. In short, the allegations from the FIR lodged by the Police Inspector are to the effect that in protest against the Citizenship Amendment Act and Register of National Citizen, a Bharat Band was called. The Police were deployed to maintain the law and order in the city of Beed. When the informant was on patrolling duty with his staff, a mob assembled at the public place, which was comprising of 1500 to 2000 people. 80 to 100 persons from amongst them had indulged in stone pelting. A State Transport Bus was damaged. The passengers and the people around ran helter and skelter. He tried to pacify the mob but it was not in the mood to listen. Even the Police vehicles were damaged. Some of the police sustained injuries. The mob then proceeded to another square. Even at that place stones were pelted on the people and the properties. In spite of an attempt to disperse the crowd by teargas, the public property was damaged. 21 persons out of the mob were apprehended at the spot. The applicants are alleged to have been from amongst the mob who had indulged in stone pelting and now apprehending that they would be arrested.

3. I have carefully gone through the papers of investigation. I have heard learned advocate for the applicants as well learned APP for respondent-State. Obviously, there cannot be any dispute that the matter is indeed serious in as much as it was a riot resulting in damage to the public property and threat to the public life.

4. However, going by the allegations, the applicants have not been apprehended at the spot. In spite of investigation having been undertaken since long, the Investigating Officer has not been able to procure any material to reveal the identity of the accused persons to have indulged in the riot, albeit, their names appear in the FIR.

5. However, going by the allegations in the FIR, the informant has no knowledge or direct identity of the applicants and seems to have named them having been told by the persons who were apprehended. It is in view of such peculiar facts and circumstances, it was specifically directed to the Investigating Officer to undertake the task so as to ascertain, if really the applicants were the persons who had taken part in the riot, but in vain.

6. Apart from the above state-of-affair, the applicants were protected by way of ad-interim anticipatory bail by order dated 20th February 2020. They were supposed to attend the concerned Police Station as and when called upon by the Investigating Officer and co-operate him. Though now it is being stated that applicant No. 1 did attend concerned Police Station, however, applicant No. 2 has not obeyed the condition. He remained present only twice and, thereafter, did not turn up, when he was asked to bring necessary documents for furnishing the bail.

7. Considering above state-of-affair, in my considered view, the applicants deserve to be granted anticipatory bail.

8. The application is allowed. *Ad-interim* anticipatory bail granted by order dated 20th February 2020 stands confirmed with the same terms and conditions with modification that the applicants shall attend the concerned Police Station on 03.07.2021 between 10.00 a.m. and 12.00 noon.

(MANGESH S. PATIL)
JUDGE

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