

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 ANTICIPATORY BAIL APPLICATION NO.793 OF 2021

SHAIKH GAFUR S/O. SHAIKH FARUKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Khizer Patel Khizer with Mr. Mohammed
Asim Shaikh Saleem
APP for Respondents: Mr. V.S. Badakh.

CORAM : V.G. BISHT, J.

DATE : 10th August.2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 086 of 2021, registered with Police Station, Aundha Nagnath, Tq. Aundha Nagnath, Dist, Hingoli for the offences punishable under Sections 307, 353, 332, 120B, 336, 341, 143, 147, 148, 149, 506, 188, 427 of IPC and under Sections 3 and 7 of the Prevention of Public Property Damages Act, and under Section 135 of the Maharashtra Police Act and 51(b) of the Disaster Management Act.

2] From the FIR, it appears that some 41 persons allegedly pelted stones on the informant – Police Sub Inspector and other police personnel. Lateron, the informant came to know about the involvement of the present applicants/accused. Thus, there is no direct evidence as against the present applicants.

3] Heard learned counsel for the applicants and learned APP. The learned counsel for the applicants submits that there is no direct or indirect evidence against the present applicants/accused and merely on the basis of suspicion, they have been robed into the offences.

5] Per contra, the learned APP submits that the present applicants/accused alongwith others, in fact, had pelted stones on the informant and other persons as a result of which number of those persons were injured and the fact that the investigation is in progress, the enlargement of the present applicants/accused would affect the investigation.

6] Having heard both the sides and this being admitted position that there is no overt act specifically attributed on the part of the applicants/accused, in my considered opinion, the present application deserves to be allowed. Hence, I pass the following order.

: ORDER :

[I] In the event of arrest of the applicants in connection with Crime No. 086 of 2021, registered with Police Station, Aundha Nagnath, Tq. Aundha Nagnath, Dist, Hingoli for the offences punishable under Sections 307, 353, 332, 120B, 336, 341, 143, 147, 148, 149, 506, 188, 427 of IPC and under Sections 3 and 7 of the Prevention of Public Property Damages Act, and under Section 135 of the Maharashtra Police Act and 51(b) of the Disaster Management Act. the applicants be enlarged on bail on their furnishing PR Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount.

[II] The applicants shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

[III] They shall not tamper with the evidence.

7] The application stands disposed of in aforesaid terms.

[V.G. BISHT]
JUDGE.

grt/-