

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.226 OF 2022

SHAIKH SALIM SHAIKH KALIM TAMBOLI
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S. G. Chapalgaonkar, Advocate for applicant.
Mr. A. M. Phule, APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08.03.2022

ORDER :-

. The applicant is apprehending his arrest in connection with Crime No.471 of 2022 registered with Jamner Police Station, Dist. Jalgaon for the offences punishable under Sections 353, 332, 333, 141, 143, 147, 148, 149, 324, 188, 504, 427 of Indian Penal Code and under Section 135 of the Maharashtra Police Act and under Section 3(2)(e) of the Prevention of Damage to the Public Property Act, 1984.

2. Heard learned Advocate Mr. S. G. Chapalgaonkar for the applicant and learned APP Mr. A. M. Phule for the respondent - State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been lodged by Police Naik Sunil Ramdas Mali attached to Jamner Police Station. It is in

respect of an incident, which had taken place around 2.45 p.m. on 31.12.2021. An information was received that the person from Muslim community has outraged the modesty of a minor girl from Muslim community and that person has been taken in custody in Gharkul area. Police party including the informant were sent at the said place. After they went to that place, they found mob mostly containing persons from Muslim community gathered and, therefore, by wearing helmets and taking lathis, police party went in the mob. They started conveying to the people that they would take over the matter and would take the custody of that person, who has been kept in custody. However, mob started saying that that person should be handed over to the mob. Police asked the name of the person, who was accused of the act of outraging modesty and when he was being made to sit in the Government vehicle, the present applicant, who was present there, had kicked and abused that person. The present applicant was taken away from that spot, but thereafter the mob started pelting stones towards the police vehicle in order to resist that person being taken to police station. The police used minor force to disburse the mob, however, from the distance also, the applicant and other two named persons as well as 10-15 persons from Muslim community started pelting stones. In the act of pelting stones, as those stones hit the police personnel, they had

received injuries and, therefore, offence came to be lodged.

4. The police papers would show that statements of witnesses have been recorded, who are especially the police persons. Thereafter, their injury certificates are also collected, which shows that all of them had received simple injuries. Now, taking into consideration the allegations, the physical custody of the applicant appears to be not required for the purpose of investigation as nothing is required to be seized from him.

5. It has been submitted on behalf of the applicant that the applicant has taken the defence of denial, however, taking into consideration the contents of the FIR, if at all it is to be considered at this stage, which is *prima facie* that something is attributable to the applicant, then the applicant is repenting and he is ready to deposit amount for showing his *bona fides* to any institution.

6. Taking into consideration the voluntary statement and also the fact that the investigation appears to be almost over, nothing is required to be recovered from the applicant and no criminal antecedents have been pointed out, the application deserves to be allowed. However, at the same time, in view of the voluntary statement, it is necessary to direct him to deposit amount of Rs.5,000/- to the High Court Legal Services, Sub Committee, Aurangabad, within a period of three days from today. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) In the event of arrest of the applicant – Shaikh Salim Shaikh Kalim Tamboli in connection with Crime No.471 of 2022 registered with Jamner Police Station, Dist. Jalgaon for the offences punishable under Sections 353, 332, 333, 141, 143, 147, 148, 149, 324, 188, 504, 427 of Indian Penal Code and under Section 135 of the Maharashtra Police Act and under Section 3(2) (e) of the Prevention of Damage to the Public Property Act, 1984, he be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicant shall remain present before the Investigating Officer as and when called till filing of charge-sheet.
- IV) He shall not tamper with the evidence of the prosecution in any manner.
- V) He shall not indulge in any criminal activity.
- VI) He should deposit amount of Rs.5,000/- to the High Court Legal Services, Sub Committee, Aurangabad.

[SMT. VIBHA KANKANWADI, J.]