

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 BAIL APPLICATION NO.727 OF 2023

**SHAIKH DANISH SHAIKH MUSHTAK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

WITH

BAIL APPLICATION NO.754 OF 2023

**NISAR SHAHA MASTAN SHAHA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Ms. Ansari Asfia Nuzhat.
APP for Respondent-State : Mr. S. P. Sonpawale.

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**CORAM : S. G. MEHARE, J.
DATE : 27.04.2023**

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are seeking bail in Crime No.91 of 2023, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 307, 353, 332, 143, 147, 148, 149, 323, 427 of the IPC, Section 3, 7 of Criminal Law (Amendment) Act, Section 3 of Prevention of Damage to

Public Property Act, 1984 and Section 37(1)(3), 135 of the Maharashtra Police Act.

3. It is a case of riot between two communities. Many persons from both the communities have been arraigned as accused. Perused the papers carefully. The incident has been captured in the C.C.T.V. footage. The persons from both groups were pelting stones against each other and carrying the weapon like sticks. The role played by the applicants have also been examined. It reveals that their role is limited. They did not cause the injury to the police officers. They being the member of an unlawful assembly have been arrested and languishing in jail. Due to the riot, the law and order of the village and nearby town it being a communal riot, has been disturbed. The police has an apprehension of repeating the crime. But, the material reveals that their further detention would serve no purpose. The apprehension of the police of repeating the crime may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) All the applicants in both bail applications be released on bail on furnishing PB. and S.B. of

Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.91 of 2023, registered at Dharangaon Police Station, District Jalgaon, for the offences punishable under Sections 307, 353, 332, 143, 147, 148, 149, 323, 427 of the IPC, Section 3, 7 of Criminal Law (Amendment) Act, Section 3 of Prevention of Damage to Public Property Act, 1984 and Section 37(1)(3), 135 of the Maharashtra Police Act, on the following conditions :

- (a) The applicants shall not enter village Paldhi, Taluka Dharangaon, District Jalgaon for one year from the date of their release on undertaking that they shall not seek relaxation of the condition for one year in any condition.
- (b) They shall furnish their place of residence, phone numbers with an undertaking that they will not change their cell phone numbers for a period of one year.

(S. G. MEHARE, J.)

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vmk/-