

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1053 OF 2023

Abu Talha Abdul Aahad,
Age : 28 years, Occu. Business,
R/o. Momin Pura Himayatnagar,
Tq. Himayatnagar, Dist. Nanded. ... Applicant
Versus
The State of Maharashtra ... Respondent

...
Mr. G. R. Syed – Advocate for applicant
Mr. G. O. Wattamwar – APP for respondent/State
....

AND

ANTICIPATORY BAIL APPLICATION NO. 1046 OF 2023

Sayyad Mastanali Sayyad Muradali,
Age : 38 years, Occu. Business,
R/o. Javalgaon, Tq. Himayatnagar,
Dist. Nanded. ... Applicant
Versus
The Superintendent of Police,
Nanded, Tq. & Dist. Nanded & Anr. ... Respondents

...
Mr. G. R. Syed – Advocate for applicant
Mr. G. O. Wattamwar – APP for respondent/State
....

AND

ANTICIPATORY BAIL APPLICATION NO. 857 OF 2023

1] Shaikh Nadim Shaikh Jalil,
Age : 22 years, Occu. Labour,
R/o. Rahim Colony Himayatnagar,

Dist. Nanded.

- 2] Sayead Babar Sayed Fayaz,
Age : 31 years, Occ. Business,
R/o. Naviaabadi Himayatnagar,
Tq. Himayatnagar, Dist. Nanded. ... Applicants
Versus
The State of Maharashtra ... Respondent

...
Mr. G. R. Syed – Advocate for applicant
Mr. G. O. Wattamwar – APP for respondent/State
....

AND
ANTICIPATORY BAIL APPLICATION NO. 883 OF 2023

- 1] Shaikh Juber s/o Shaikh Rahim,
Age : 25 years, Occu. Press Report,
R/o. Pathan Galli, Himayatnagar,
Tq. Himayatnagar, Dist. Nanded.
- 2] Shaikh Sumer s/o Shaikh Rahim,
Age : 28 years, Occ. Labour,
R/o. Darum Chowk, Himayatnagar,
Tq. Himayatnagar, Dist. Nanded. ... Applicants
Versus
The Superintendent of Police,
Nanded, Tq. & Dist. Nanded & Anr. ... Respondents

...
Mr. Shailesh S. Gangakhedkar – Advocate for applicants
Mr. G. O. Wattamwar – APP for respondent/State
....

AND
ANTICIPATORY BAIL APPLICATION NO. 882 OF 2023

- 1] Mohamad Azhar Mohamad Ekbal,
Age : 22 years, Occu. Business,

R/o. Lakdoba Chowk, Himayatnagar,
Tq. Himayatnagar, Dist. Nanded.

2] Abdul Gafar Abdul Rahim,
Age : 28 years, Occ. Business,
R/o. Mominpura, Himayatnagar,
Tq. Himayatnagar, Dist. Nanded.

3] Shaikh Ashphak Shaikh Wahed,
Age : 23 years, Occ. Labour,
R/o. Near Z. P School, Himayatnagar,
Tq. Himayatnagar, Dist. Nanded.

... Applicants

Versus

The Superintendent of Police,
Nanded, Tq. & Dist. Nanded & Anr.

... Respondents

...

Mr. Shailesh S. Gangakhedkar – Advocate for applicants

Mr. G. O. Wattamwar – APP for respondent/State

....

CORAM : R. M. JOSHI, J.

DATE : 04th JULY, 2023

COMMON ORDER :-

1. Apprehending arrest in connection with Crime No. 0100/2023 registered with Himayatnagar Police Station, Tal. Himayatnagar, Dist. Nanded, for the offences punishable under Sections 353, 109, 323, 143, 147, 149 of the Indian Penal Code, the applicants have approached this Court by way of present applications seeking anticipatory bail.

2. Heard. Issue notice to the respondents. Learned APP

waives service on behalf of respondent/State.

3. Heard learned APP for the State.

4. The learned advocate for the applicants submits that the alleged incident reported by the police on 02.05.2023 could be a result of the publication of the news by the applicants in Application No. 883 of 2023 wherein inaction of the police to curtail the illegalities committed in the area was criticized. It is further submitted that the First Information Report does not show that anyone else than Kunal Pawar and Sandeep Pawar sustained injuries in the said alleged incident.

5. Learned APP opposed the said contentions by drawing attention of the Court to the injury certificates of these two persons. It is also stated that the statements of witnesses clearly show that the present applicants were responsible for the riotous situation created at the spot. It is also stated that there was pelting of stones and brick pieces by the applicants and others on the police personnel. He further submitted that this is not a fit case for grant of anticipatory bail.

6. Perusal of the FIR shows that the injury caused to the Kunal Pawar was not on account of receiving the blow of stone or the piece of brick flung at him. It is specifically stated that he fell down while running and sustained injuries to his head. Sandeep also sustained a contusion. Perusal of the injury certificate indicates that the injury caused to Kunal can be attributed to the fall. The injury caused to Sandeep cannot be said to have been occurred on account of pelting of stone or brick at him. More surprisingly, number of persons had pelted stones and brick pieces on the police and other persons, but no one has sustained any injury in the said assault. This creates serious doubt about the report. Over implication of the applicants cannot be ruled out. Nothing is to be recovered at their instance. No criminal antecedents are reported against the present applicants, except applicant - Shaikh Jabbar.

7. As far as the applicant Shaikh Jabbar is concerned, it seems that one offence bearing Crime No.39 of 2023 is registered against him. Having regard to the nature of the said offence, this Court finds no reason to deny bail to him.

8. In view of the aforesaid facts, the applicants deserve anticipatory bail. Hence, the following order.

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest of applicants in connection with Crime No. 0100/2023 registered with Himayatnagar Police Station, Tal. Himayatnagar, Dist. Nanded, for the offences punishable under Sections 353, 109, 323, 143, 147, 149 of the Indian Penal Code, they be released on bail on their furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) each, with one solvent surety in the like amount each.
- (ii) They shall attend the concerned police station once in a week.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE