

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1238 OF 2023

1. Sabhir Khan Mazher Khan
 2. Bilal Khan Mazher Khan
- ...Applicants**

Versus

1. The State of Maharashtra
 2. The Police Inspector
Nandurbar City Police Station,
Taluka & Dist. Nandurbar.
- ... Respondents**

...
Mr. Kagzi Parvezhasnath H. – Advocate for applicants
Mr. V. S. Badakh – APP for respondent/State
....

CORAM : R. M. JOSHI, J.
DATE : 03RD OCTOBER, 2023

PER COURT :

1. Apprehending arrest in connection with Crime No. 222 of 2023 registered at Nandurbar City Police Station, Dist. Nandurbar, for the offences punishable under Sections 307, 308, 353, 333, 332, 143, 148, 149, 147 and 427 of the Indian Penal Code, Sections 3 and 7 of Prevention of Damage to Public Property Act, Section 3 of Criminal Law (Amendment) Act and Sections 37(1)(3) and 135 of the Maharashtra Police Act, the applicants have filed this application seeking anticipatory bail.

2. Perusal of FIR indicates that, on 04.04.2023 the incident of mob violence was caused in Nandurbar City. It is stated to be a communal violence. There were about 100-150 persons participated in the said violence.

3. Learned counsel for the applicants submits that though names of the applicants are referred to in the FIR, there is no overt act alleged against them. Learned APP opposed the said contention submitting that in view of the involvement of number of persons in the said violence, it is difficult to identify the specific role of each of the participants. It is, however, submitted that the names of the present applicants revealed from co-accused.

4. Record indicates that about 100-150 persons had gathered at the spot and violence was committed. In the said violence six persons sustained injuries and one of them sustained grievous one. However, there is nothing on record indicating overt act by the present applicants in the said incident. Applicants have no criminal antecedents. Their presence on the spot cannot be treated as active participation in the incident. Nothing is to be

recovered from the applicants. Hence, **application is allowed** in terms of interim order passed vide order dated 01st August, 2023.

[R. M. JOSHI]
JUDGE

SG Punde