

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1512 OF 2023

MIRZA SARFRAZ @ SARU MIRZA ISA BAIG AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. G. R. Syed
APP for Respondents: Mr. V. S. Badakh

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 20, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 100 of 2023 registered with Himayatnagar Police Station, Dist. Nanded for the offences punishable under Sections 353, 109, 323, 143, 147, 149 of IPC and Sections 135 of the Maharashtra Police Act of the Indian Penal Code.

2. First informant is the PI of Himayatnagar Police Station. He reported that on 02.05.2023 he got call from Sarpanch – Nitesh Patil stating that there is dispute erupted between two groups near masjid. Hence, he along with head constable and driver went to the spot at 01.45 pm. When they were about to leave the spot after appealing persons gathered there to maintain

peace, 10-12 persons gathered near masjid. He asked them to leave the spot but they went inside the masjid. At about 02.15 pm Accused Maulana Shaikh Ajij came out of masjid and started shouting. Then persons gathered there and started pelting stones and bricks. On these allegations offence came to be registered.

3. Learned Counsel for the Applicants submits that similarly placed co-accused are already granted anticipatory bail by this Court in ABA/1234/2023 and 1083/2023. Hence, he submits that on parity application may be allowed.

4. Learned APP though opposed the application for grant of anticipatory bail, he was unable to dispute the similar role alleged against Applicants as compare to co-accused.

5. In view of above, application stands allowed by confirming interim order dated 08th September, 2023.

(R.M. JOSHI, J.)

Malani