

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (BA) NO. 589 OF 2023

(SHAIKH FIROZ SHAIKH KHWAJA VS. THE STATE OF MAHARASHTRA)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. H. V. Dhage, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent State.

CORAM : URMILA JOSHI-PHALKE J.

DATE : 02/08/2023

Present application is for grant of bail under Section 439 of Cr.P.C. in connection with Crime No.151/2023 registered with Police Station, Old City Akola, District Akola for the offences punishable under Sections 307, 143, 147, 148, 149, 452, 337, 435, 427 of Indian Penal Code, 1860, Section 4 and 25 of Arms Act, Section 7 of Criminal Law (Amendment) Act, 2013 and Section 3 and 4 of Prevention of Damage to Public Property Act, 1984. The applicant is arrested on 15/05/2023.

2. The accusation against the present applicant is that the informant who is running computer class at his premises, which is secured by CCTV cameras. On 13/05/2013, somebody has

circulated some post on social media, due to which Muslim community people got annoyed and gathered in front of the computer class of the informant. They were holding iron rods, swords and various weapons in their hands. They have caused damage to the articles, which were placed in the computer class of the informant. On the basis of said report, police have registered the crime against the present applicant.

3. As per the contention of the present applicant, he was not at all involved in the alleged crime, however, he has implicated merely on suspicion. Now the investigation is completed. Charge-sheet is likely to be filed. The applicant is not at a flight risk. In view of that he be released on bail.

4. Said application is strongly opposed by the State on the ground that the applicant and other co-accused were holding deadly weapons in their hands and they have caused damage to the property of the informant. If they are released on bail there is likelihood their involvement in similar type of offences and prays for rejection of the same.

5. Having heard the learned counsel for the applicant, as well as learned APP for the State.

Perused the investigation papers from which it reveals that approximately 200-250 Muslim community people were gathered in front of the tuition class of the informant. They were holding various weapons in their hands. As far as the allegations against the present applicant is concerned, it is not alleged that present applicant has at all holding any weapon or cause any damages to the informant. Though sword is recovered at the instance of the present applicant, but there is no material to show his direct involvement.

6. Considering the above, investigation is completed. No purpose would be served by keeping him behind the bar. Application deserves to be allowed. In view of that, I proceed to pass the following order :-

ORDER

(A) The application is allowed.

(B) The applicant, namely, **Shaikh Firoz Shaikh Khwaja** be released on bail in Crime No.151/2023 registered with Police Station, Old City Akola, District Akola for the offences punishable under Sections 307, 143, 147, 148, 149, 452, 337, 435, 427 of Indian Penal Code, 1860, under Section 4 and 25 of Arms

Act, under Section 7 of Criminal Law (Amendment) Act, 2013 and under Section 3 and 4 of Prevention of Damage to Public Property Act, 1984, on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

(C) The applicant shall attend Police Station once in a week on Monday between 10.00a.m. to 1.00p.m. till further orders.

(D) The applicant shall furnish his cell phone numbers and address with the address proof.

(E) The applicant shall not leave jurisdiction of Sessions Court, Akola without prior permission of the Court.

7. Application is disposed of.

[URMILA JOSHI-PHALKE J.]