

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO.642 OF 2023**

Mohammand Tanvir Mohammad Azhar Vs. State of Maharashtra

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri J.B. Gandhi , Advocate for applicant.  
Shri A.M. Kadukar, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATE : AUGUST 01, 2023.**

This application is for grant of bail in connection with Crime No.151/2023 registered with Police Station, Old City Akola, District Akola for the offences punishable under Sections 143, 147, 148, 149, 307, 337, 427, 435 and 452 of the Indian Penal Code and Sections 4 and 25 of the Arms Act and Section 7 of the Criminal Law (Amendment) Act, 2023 and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984. The applicant is arrested on 15.06.2023 and since then he is in jail.

2. The accusation against the present applicant is on the basis of report lodged by Bharat Digambar Dudhande on an allegation that he is running computer tuition class, his tuition premises is secured by the CCTV camera, on 13.05.2023 at about 9 pm, when he was present at house some unknown person has circulated some message on mobile phone due to which the Muslim community people got annoyed and they gathered together. They were holding

stones, swords, sticks and iron rod in their hands. They have caused damage to the property of his tuition class as well as due to pelting of stones, he has sustained the injuries. On the basis of said report the police have registered the crime against unknown persons.

3. During the investigation, it revealed that the present applicant was involved and was holding iron pipe in his hand, therefore, he is arrested.

4. As per the contention of the applicant, he was not involved in the alleged crime. Merely on suspicion his name is shown by the witnesses. There is no allegation against the present applicant either he used the said iron pipe or caused any damage to any property or any person. Now the investigation is practically completed and charge-sheet is likely to be filed. However, custody of the present applicant is not required and prays for grant of bail.

5. Learned APP strongly opposed the application on the ground that the involvement of the present applicant is revealed from the direct evidence on the basis of statement of witnesses. If he is released on bail, he would tamper with the prosecution evidence and would not be available for trial.

6. Heard learned counsel Shri J.B. Gandhi and learned APP Shri A.M. Kadukar. Perused the investigation papers. As

far as investigation is concerned, it is practically is completed and charge-sheet is likely to be filed. The allegation against the present applicant is only to the extent that he was part of that mob holding iron pipe in his hand. Admittedly, there is no material to show the present applicant either used the said weapon and caused any damage to any property or any person. Considering the investigation is now practically completed, further custody of the present applicant is not required and other co-accused are already released on bail, the application deserves to be allowed. In the result, I proceed to pass the following order:

**ORDER**

- i. The criminal application is allowed.
- ii. The applicant – Mohammad Tanvir Mohammad Azhar be released on bail in connection with Crime No.151/2023 registered with Police Station, Old City Akola, District Akola for the offences punishable under Sections 143, 147, 148, 149, 307, 337, 427, 435 and 452 of the Indian Penal Code and Sections 4 and 25 of the Arms Act and Section 7 of the Criminal Law (Amendment) Act, 2023 and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984, on he executing PR bond in the sum of ₹25,000/- with one surety in the like amount.
- iii. The applicant shall furnish the cellphone number and address with address proof.

- iv. The applicant shall attend concerned Police Station once in a week i.e. on every Monday between 10.00 am and 1.00 pm, till filing of the charge-sheet.
- v. The applicant shall not leave the jurisdiction of District Court, Akola without prior permission from the Court, till conclusion of the trial.
- vi. The applicant shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

With this, the application is disposed of.

**JUDGE**

*Wagh*