



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

918 ANTICIPATORY BAIL APPLICATION NO. 307 OF 2024

1. Shaikh Sameerulla Shaikh Razaulla
2. Mohammed Shahed Mohammad Ismail

..APPLICANTS

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Mr. Saeed S. Shaikh
APP for Respondent/State: Mr.R.B. Dhaware

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th June, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.0169 of 2021 registered with Police Station, Ardhapur, Dist. Nanded, for the offence punishable under sections 307, 353, 332, 336, 337, 143, 145, 147, 148, 149, 427, 188, 269 and 270 of the Indian Penal Code, sections 3 and 4 of the Prevention of Damage to Public Property Act, section 51(b) of Disaster Management Act, 2005, sections 4 and 25 of the Arms Act, section 7 of Criminal Law (Amendment) Act, 2013 and section 135 of the Bombay Police Act.

2. It is the prosecution's case that on 30th June, 2021, when the informant Kapil Murlidhar Aglave, Police Sub-Inspector was present in the Police Station, Ardhapur, he received the information that there was intense stone pelting in between two groups near Hanuman Temple, Ardhapur. He along with other police personnel went at

Hanuman Temple and saw that hot talks were going on in between the Dhangar and Muslim community people i.e. the group members of Latest Group and Kashi Sakhare and Munna Barse on account of physical exercise in R.K. Gym. Thereafter, Muslim community members by forming unlawful assembly assaulted to the boys of Hindu Dhangar community. Thereafter, the boys of Hindu Dhangar community pelted stones on Hotels, Pan Tapari, shops and private vehicles belonging to Muslim community. When police tried to control the mob of both community, the said mob pelted stones on the police party. Some persons from mob attacked on police party with sword, iron rod and wooden stick. They tried to kill the police personnel in police party. In the aforesaid incident, the police personnel sustained injuries and Government vehicles were damaged to the tune of Rs.8,00,000/-. Police have registered the crime against the members of both sides. After completion of investigation, the police have filed the charge-sheet in the trial Court. The applicants have shown as absconding accused.

3. It is the contention of the learned counsel for the applicants that the co-accused in the same crime have been released on bail by the learned Sessions Court. The applicants are entitled for bail on the principle of parity. Hence he requested to allow the application.

4. It is the contention of the learned APP that the earlier bail application of the applicants has been rejected. This is a second bail

application of the applicants. The eye witnesses in their statements have stated that the applicants have pelted stones on the police personnel and damaged the public property. There was active involvement of the applicants in the said crime. Custodial interrogation of the applicants is required. Hence, he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. In the F.I.R. allegations against the applicants are that they were part of mob, who attacked on police personnel with sword, iron rod and wooden stick. The said mob pelted stones on the police personnel, injured them and damaged the public property. In the statements of the witnesses recorded by the police, they have stated that the applicants had pelted stones on vehicles standing on road. When police tried to disburse the mob of which applicants were part, the said mob attacked on police by pelting stones with intention to kill them. From the contents of F.I.R. and the statements of witnesses it appears that there was active involvement of the applicants in the crime. First anticipatory bail application of the applicants is rejected. Allowing the bail application of co-accused can not be a ground as a change of circumstances. The applicants have been absconding since the date of F.I.R. Their custodial interrogation is required hence, I pass the following order :-

ORDER

The application is rejected.

[SHIVKUMAR DIGE, J.]

sga