



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 382 OF 2024

- 1) Shaikh Tausif Shaikh Yusuf
 - 2) Shaikh Shakib @ Shakir Shaikh Rashid
 - 3) Shaikh Ashfaq Shaikh Ishaq
- ...Applicants

versus

- 1) The State of Maharashtra
 - 2) The Superintendent of Police, Jalgaon
- ...Respondents

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WITH
BAIL APPLICATION NO. 396 OF 2024

- 1) Sk. Arshad Sk. Mustak
 - 2) Sk. Shahadat s/o Sk. Mustak
 - 3) Sk. Irfan s/o Sk. Mustak
 - 4) Sk. Danish s/o Sk. Arshad
 - 5) Sk. Abid s/o Sk. Vazir
 - 6) Sk. Shahabuddin s/o Sk. Najimuddin
 - 7) Umar Farukh Sk. Akil
 - 8) Gayasuddin Kalimoddin
 - 9) Sk. Altaf Sk. Bismilla
 - 10) Sk. Imran Sk. Kalu
 - 11) Sk. Shabir Sk. Hamid
- ...Applicants

versus

- 1) The State of Maharashtra
 - 2) The Superintendent of Police, Jalgaon
- ...Respondents

...

Advocate for Applicant : Mrs. A.N. Ansari
APP for Respondents: Mr. P.P. Dawalkar

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 19th MARCH, 2024.

PER COURT :-

1. These are the applications for granting bail under section

439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 17 of 2024 registered with Raver police station, District Jalgaon for the offences punishable under Sections 307, 353, 333, 143, 147, 148, 149, 114, 427 of the I.P.C. Their application with similar prayer bearing criminal bail application No. 89 of 2024 came to be rejected by the learned Additional Sessions Judge, Jalgaon vide order dated 16.2.2024.

2. It is averred in the report that by the police officer that on 21.1.2024 due to Ram Mandir Pran Pratishtha, a procession of God Ram was going on. There was watch of the police department on the said procession. When that procession reached at Bhoiwada area of Raver city, near to one Muskan Pan Center, where Muslim community peoples are residing in large number, some stones were suddenly pelted on the said procession. One Alim Hazi was saying that not to keep alive to anybody and instigating the others viz. Shaikh Shahabuddin, Shaikh Danish, Shaikh Irfan, Umar Faruq, Shaikh Tausif and others. They were saying that they will eliminate all those persons on that day itself. They went to the backside of that procession and also pelted stones and bricks. The informant sustained injuries to his right hand. Sub Inspector Tushar Patil sustained injury to his head. Police Naik Nandkishor Mahajan also sustained injury to his leg. The persons who were pelting stones ran away. Some of them were caught hold. Thereafter report was lodged.

3. Learned advocate for the applicants submitted that the applicants are falsely implicated in the crime. They are not seen in the CCTV footage. The applicants have roots in the society and they will not flee away from the trial. Mother of applicant Nos. 1 to 3 in bail application No. 396 of 2024 expired on 26.2.2024, who is grand mother of applicant No.4. The practical investigation is over. The applicants have to attend the post funeral rituals of the mother of applicant Nos. 1 to 3. The applicants have produced a copy of the death certificate of Mariyam Bee Shaikh Mustaq, which is taken on record and marked as "X-1" for identification. It is lastly prayed to allow the applications.

4. Learned A.P.P. for the respondent-State has strongly opposed the applications and submitted that the applicants are involved in serious crime. Investigation is in progress. The possibility of commission of similar nature of crime on the part of the applicants cannot be ruled out. Considering serious nature of the crime, it is lastly prayed to reject the applications.

5. Perused the papers of investigation, particularly, report and statements of witnesses. The role of any of the applicants is not specified in the report. They are not found in the CCTV footage. They are only arrested on suspicion. The practical investigation is over. The applicants have no criminal antecedents. Therefore,

considering the aforesaid facts, all these applicants deserve to be released on bail. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in both the applications, in connection with crime No. 17 of 2024 registered with Raver police station, District Jalgaon for the offences punishable under Sections 307, 353, 333, 143, 147, 148, 149, 114, 427 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicants shall attend the Raver police station once in a week i.e. on every Friday between 4.00 p.m. to 9.00 p.m. till filing of the charge sheet.
 - c) If any breach of the conditions are noticed, the trial court is at liberty to proceed further for cancellation of bail of these applicants without reference to this Court.

(SANJAY A. DESHMUKH, J.)