



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL APPEAL NO. 1053 OF 2024

RIZWAN KHAN MOHAMMAD KHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. V. C. Patil (Ashtekar), Advocate for Appellant
Mr. C. V. Bhadane, APP for Respondent State

CORAM : Y. G. KHOBRADE, J.

Dated : 12th December, 2024

PER COURT :-

1. Heard Mr. V. C. Patil (Ashtekar), the learned counsel appearing for the applicants.
2. Issue notice to the respondents, returnable on 09.01.2025.
The learned APP waives service of notice on behalf of Respondent No.1 State.
3. Investigating Officer to serve Respondent No.2/ informant under Section 15A of the SC & ST (Prevention of Atrocities) Act, 1989.
4. The present applicants/accused have prayed for ad interim anticipatory bail in Crime No.0248 of 2024 registered with Himayatnagar Police Station, Nanded for the offences punishable

under Section 296, 324(4), 351(2), 3(5) of the The Bharatiya Nyaya Sanhita, 2023 read with section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. Non applicant Nos. 2- informant lodged a report that on 02.10.2024 with Himayatnagar Police Station, Nanded alleging that on 30.09.2024, at about 7.00 to 8.00 p.m., the present Applicants/accused Nos. 1 and 2, Rizwan Khan Mohammad Khan and Shaikh Mushir Shaikh Masood, along with other accused persons abused him in filthy language as well as on caste and broken the AC Gas Pipe by throwing stone so also the vehicles are being parked in such a position that the informant and her family members cannot move from their house and cause obstruction.

6. Considering the nature of the offence, to my view, the Applicants are entitled for ad interim anticipatory bail. Accordingly, I proceed to pass the following order:

ORDER

1) In the event of arrest, the Applicants (1) Rizwan Khan

Mohammad Khan and (2) Shaikh Mushir Shaikh Masood in Crime No.0248 of 2024 registered with Himayatnagar Police Station, Nanded, they shall be released on anticipatory bail on furnishing PR bond of Rs.25,000/- each with two solvent sureties in like amount.

- (ii) The Applicants shall attend the concerned Police station on each Monday between 1.00 p.m. to 2.00 p.m. and shall cooperate with the Investigating Officer, till filing of the charge-sheet.
- (iii) The Applicants shall not leave the Himayatnagar Police Station area, without prior permission of the Investigating officer.
- (iv) The Applicants shall not issue any threat to any witnesses including the complainant/informant and shall not tamper with any evidence.

(Y. G. KHOBRADE, J.)

JPChavan