



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

962 BAIL APPLICATION NO. 1915 OF 2024

JAKIR MEHMOOD PINJARI

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1916 OF 2024

BILAL RAHIM BAGWAN

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1943 OF 2024

1. WAJED SALEEM RANGREZ

2. RAHIM SALEEM RANGREZ

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1973 OF 2024

1. KALEEM SALEEM MOMIN

2. VASEEM ALI AASIF ALI SAYYAD

3. SHOEB AHMAD SALEEM BAGWAN

4. MUSHTAK NABU MANYAR

5. FAZLE NOOR SHAIKH HUSAIN

6. AMEEN SHAIKH MUSHEER

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1929 OF 2024

LOTAN CHAGAN MARATHE

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1930 OF 2024

BHUSHAN RAJENDRA PARDHI

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1949 OF 2024

1. ABRAR SHAIKH SALIM MUSALMAN

2. RAHIS @ RAEES SATTAR BAGWAN

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1967 OF 2024

1. MOHSIN ALIAS FUGRYA KHALIL SHAH

2. JUNED SHAH KHALIL SHAH

VERSUS

THE STATE OF MAHARASHTRA

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Advocates for Applicants : Mr. Syed Azizoddin R., Mr. Saeed S. Shaikh, Mr. Dhilpe R. B., Mr. Salunke P S., respectively.

APPs for Respondent/s-State : Ms. V. S. Choudhari, Mr. AAA Khan, Mr. G. O. Wattamwar, respectively.

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CORAM : S. G. MEHARE, J.**DATE : 25.10.2024****PER COURT :-** (Common Order)

1. Not on board. Taken on board.
2. Heard the learned counsels for the applicants and learned APPs for the respondent/State, respectively.
3. The applicants seek bail in Crime Nos.210 of 2024, 211 of 2024, 212 of 2024 registered with Dondaicha Police Station, District Dhule, for the offences punishable under Sections 74, 109, 118(2), 132, 191, 125, 189, 190, 115(2), 352, 351(2), 351(3) of the B.N.S. and Sections 37(1), 37(3), 125 and 135 of the Maharashtra Police Act.

4. Its a case of rioting. The incident happened during the procession of Eid Milad-un-Nabi. The procession was taken after securing the permission. However, it turned into unlawful assembly. Two groups started pelting stones against each other. The police started to pacify the members of the unlawful assembly. However, instead of maintaining the peace, the assailants also caused the injuries to the policemen and damaged the public properties. The applicants were arrested on 20.09.2024 and 21.09.2024. They have undergone the police custody and now they are in Magisterial custody.

5. Learned counsels for the applicants submit that it was an assembly of thousands of people. Suddenly something happened and stone pelting started. Since there was a large number of persons involved in the crime, it would be difficult to identify each one. There was no use of deadly weapon. It was just an incident happened at the spur of moment. Hence, the stones available around the road were used. Both parties were aggressive and influenced with their feelings while the incident happened. The applicants are languishing in jail for sufficient time. Further investigation is not required. They are ready to abide the conditions imposed, if enlarged on bail.

6. Learned APPs have vehemently argued that the persons taking the procession had promised police that they would take care that untoward incident should not be happened and public peace would not be disturbed. Even then, group from the procession stood behind and then the incident happened. Three incidents happened in that procession. The policemen were also assaulted, but have no concern with the social feelings of both sides. They were discharging their duties instead of that they were also not excused. Few of them also have suffered injuries. The accused have caused the serious damage to the public properties. Many co-accused still remained to be identified and arrested. The persons arrested are only to know names of the other co-accused. They have deliberately disturbed the law and order and without any substantial reason turned the lawful assembly into unlawful assembly. The law and order in the city is disturbed. The possibility of another fight cannot be ruled out on the coming eve of festivals. To maintain the law and order, it would be inappropriate to grant them bail. Hence, they prayed to dismiss the applications.

7. Learned APP Mr. AAA Khan supported the arguments of the learned APP Ms. Choudhari and argued for the other

crimes that unnecessarily the atmosphere was made hot. The intention of the accused was to commit the crimes. For such acts, the accused should not be released.

8. The arguments of the learned APPs revealed that they have an apprehension of another serious crime which may again disturb the law and order. However, the facts show that it was a sudden rioting. Both sides were pelting stones against each other and in that incident, the assailants were uncontrolled, even not responding and controlled by the police. Instead of listening the police, they pelted stones. There was no use of deadly weapon. The facts of the case reveal that at the spur of the moment, the lawful assembly had turned into unlawful assembly and both sides started pelting stones against each other. The apprehension of the prosecution of committing the serious crime again and law and order disturbance, certain conditions may be imposed to assist the prosecution preventing another crime and maintaining law and order. It was a rioting. Many persons from both groups were involved in the crime. For identification of the other co-accused, prosecution may call them any time and such conditions may be imposed. However, considering the facts of the case and investigation against the applicants, the Court is

of the view that their detention would not serve the purpose.

Therefore, they deserve bail. Hence, the following order :

ORDER

- (i) All Bail Applications are allowed.
- (ii) All applicants be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each, on the following conditions :
 - (a) The applicants should not tamper with the prosecution witnesses.
 - (b) They should not involve in the identical crime.
 - (c) They should not enter Dondaicha town for three months from the date of their release with a liberty to enter Dondaicha town for casting votes only.
 - (d) The applicant RAHIM SALEEM RANGREZ should not enter Dondaicha town till 08.11.2024.

- (e) He should attend the Police Station as and when called by the Investigating Officer on written notice till filing charge sheet.

(S. G. MEHARE, J.)

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vmk/-