



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1181 OF 2024

Alimuddin Mohammed Salim

VERSUS

The State Of Maharashtra

Ms. A. N. Ansari, Advocate for the applicant

Mr. P. P. Dawalkar, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO. 1182 OF 2024

Mohammed Faisal Shaikh Aslam And Other

VERSUS

The State Of Maharashtra

Ms. A. N. Ansari, Advocate for the applicant

Mr. P. P. Dawalkar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 18th OCTOBER, 2024

PER COURT :-

1. When this Court show its disinclination to grant relief to the applicant in Anticipatory Bail Application No. 1181 of 2024, learned counsel for the applicant, on instructions, seeks leave to this application.

2. Anticipatory Bail Application No. 1181 of 2024 is dismissed as withdrawn.

3. In Anticipatory Bail Application No. 1182 of 2024, applicant

apprehends arrest in connection with Crime No. 17/2024 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Sections 307, 353, 333, 143, 147, 148, 149, 114, 427 of the Indian Penal Code.

4. The first information report indicates that procession was taken on 21/01/2024. The said procession came Bhoiwada area, near Muskan pan center. Suddenly some person started pelting stones and bricks on the procession. It is recorded in the first information report that some of the co-accused have instigated the said incident.

5. Learned counsel for the applicant submits that as far as present applicants are concerned, their involvement in the said incident is not seen from the evidence collected during the course of investigation. She submits that there is no dispute about the fact that the applicants are the residents of the same area and hence they have seen in the CCTV footage.

6. Learned APP opposed the application by contending that the CCTV footage of the said area indicates presence of the applicants at the spot.

7. Having regard to the nature of offence, unless there is participation of the applicants in the actual commission of crime, they cannot be denied protection from arrest. Even if the contention the learned APP is accepted that the applicants are seen the CCTV footage, there is nothing to indicate that they either actually pelted the stones or bricks on the procession or instigated others for doing so. Hence, Anticipatory Bail Application No. 1182 of 2024 is allowed in terms of interim order dated 4th October, 2024.

(R. M. JOSHI, J.)

ssp