



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.09 OF 2024
(Ujwal s/o Pralhad Gawhad Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Sanket Bhalerao, Advocate for the applicant.
Mr. V.A. Thakare, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 01, 2024.

Heard.

2. By this application, the applicant is seeking anticipatory bail in connection with Crime No.94/2023 registered with police station Nandura, district Buldhana for offence punishable under Sections 143, 144, 145, 147, 148, 149, 436, 324, 336, 188, 160 and 427 of the Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law Amendment Act, 1932.

3. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by one Sanjay Laxmanrao Nimbolkar on an allegation that on 15/02/2023 one girl of Hindu community and one boy from Muslim community left the house in absence of their parents, and thereafter, the persons from two community came together and there was scuffle between these two communities. It is further

alleged that, the present applicant was also present in the group and was pelting stones towards the house of one Akram Akhtar Beg. Though the informant has tried to convince them however they started pelting the stones towards the house and caused injuries to three persons. As per the allegations, some of the persons have set one motorcycle as well as one spare parts shop on fire and caused the loss. On the basis of said report, police have registered the crime.

4. Learned Counsel for the applicant submitted the as far as the present applicant is concerned, the only allegation against the present applicant that he has pelted the stone along with other persons. After releasing him on the ad-interim anticipatory bail he has cooperated with the investigating agency and his custodial interrogation is not necessary.

5. *Per contra*, said application is strongly opposed by the learned Additional Public Prosecutor appearing for the State on the ground that there was a communal riot and during the investigation, the statements of the various witnesses have been recorded, who have attributed the specific role to the present applicant. In the said riot, three persons sustained the injuries. Considering the same, prima facie case is made out against the present applicant and the application deserves to be rejected.

6. Having heard learned Counsel for the parties. Perused the investigation papers and various statements recorded by the Investigating Officer. From which it reveals that the role attributed to the present applicant is that he has pelted stones towards the house of one Akram Beg. Considering the allegations against the present applicant, his custodial interrogation is not required. The Investigating Officer has already drawn the spot panchanama and seized the incriminating articles, i.e. broken pieces of the bricks and stones. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order :

(i) The Criminal Application is allowed.

(ii) In the event of arrest, the applicant – Ujwal s/o Pralhad Gawhad in connection with Crime No.94/2023 registered with police station Nandura, Tahsil Nandura, District Buldhana for offence punishable under Sections 143, 144, 145, 147, 148, 149, 436, 324, 336, 188, 160 and 427 of the Indian Penal Code, Section 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law Amendment Act, 1932, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)

**Divya*