



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

CRIMINAL APPLICATION (BA) NO.458 OF 2024

(Mohammad Azhar Mohammad Zafar @ Mohammad Azhar Shaikh Zafar 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. F.R. Kashif, Advocate for the applicant.
Ms H.S. Dhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JUNE 19, 2024.

By this application the applicant is seeking bail in connection with Crime No.235/2024 registered with Police Station Nandura, District Buldhana for the offence punishable under Sections 143, 147, 148, 308, 353, 427 read with Section 149 of the Indian Penal Code, 1860, Section 7 of the Criminal Law Amendment Act, 1932 and Section 135 of the Maharashtra Police Act, 1951.

2. The accusation against the present applicant is on the basis of report lodged by Shrikrushna Devrao Hadde on an allegation that on the occasion of birth anniversary of Chhatrapati Shivaji Maharaj, there was a rift between the two communities, and during that procession, they have pelted stones towards each other, wherein the Police Personnel sustained the injuries and police vehicles are also damaged. It is submitted by learned Counsel for the applicant that as far as the present applicant is concerned, no specific role is attributed to

him. Now for a sufficient period, he is incarcerated. Now, investigation is practically completed, further custodial interrogation is not required. He further submitted that some of the co-accused are already released on bail by this Court and some are released in the event of their arrest.

3. Learned APP strongly opposed the said application on the ground that the investigation is still in progress and therefore, the bail application deserves to be rejected.

4. I have heard learned Counsel for the both the parties. Perused the investigation papers. From the recitals of the FIR and the investigation papers it reveals that during the procession there was a rift between the two communities and members of both the communities have pelted stones towards each other. In the said incident, police personnel sustained the injuries. As far as the specific role of the present applicant is concerned which is not attributed. Considering that now further incarceration of the applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The application is allowed.
- b) The applicant – Mohammad Azhar Mohammad Zafar @ Mohammad Azhar Shaikh Zafar shall be released on bail, in connection with Crime No.235/2024

registered with Police Station Nandura, District Buldhana for the offence punishable under Sections 143, 147, 148, 308, 353, 427 read with Section 149 of the Indian Penal Code, 1860, Section 7 of the Criminal Law Amendment Act, 1932 and Section 135 of the Maharashtra Police Act, 1951, on executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case. The criminal applications is disposed of.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*