



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

CRIMINAL APPLICATION (ABA) NO.309 OF 2024
(Mohammad Sabir Sheikh Yusuf Vs. 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. S.A. Mohata, Advocate for the applicant.
Mr. G. Umale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 18, 2024.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.235/2024 registered with Police Station Nandura, Taluka Nandura, District Buldhana for the offences punishable under Sections 308, 353, 332, 143, 147, 148, 427 read with Section 149 of the Indian Penal Code and Section 7 of the Criminal Amendment Act, 1932 and Section 135 of the Maharashtra Police Act, 1951, the applicant approached this Court for grant of pre-arrest bail.

2. As per the allegation on 28/03/2024 as the procession on account of Chhatrapati Shivaji Maharaj Jayanti there was a riot between the two communities and the mob gathered there and pelted stones towards each other. In the said incident, the policeman were injured as well as some police vehicles are also damaged. It is submitted by the learned Counsel for the applicant that as far as the CCTV footage is concerned the material role is

not attributed to the present applicant, only his presence was noted, therefore, his custodial interrogation is not required.

3. *Per contra*, Learned Additional Public Prosecutor strongly opposed the application on the ground that not only the CCTV footage but the statement of the witnesses shows that it was the present applicant who was present and was inducing the other mob for pelting the stones. Thus, he has instigated the other members of Muslim community for pelting the stones and in the said incident some policemen sustained the injuries as well as police vehicles also caused damage. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers as well as various statements of the witnesses. There is no dispute as to the fact that incident occurred on account of riot between the two communities and in that incident the people who gathered there of both the communities pelted stones against each other. As far as overt act is concerned which is not attributed to the present applicant but the statement shows his presence only. Considering no overt act is attributed to the present applicant, the interim protection granted to him deserves to be confirmed.

5. Hence, the application is allowed and the interim protection granted to the applicant vide order dated 06/05/2024 is hereby confirmed on the same terms

and conditions except condition No.2(ii), which is modified as under :

“The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.”

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*