



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

CRIMINAL APPLICATION (ABA) NO.405 OF 2024

(Mirza Luqman Baig Mirza Usman Baig 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 T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

By preferring this application, the applicant is seeking pre-arrest 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, 332, 353, 427 read with Section 149 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act, 1932 and Section 135 of the Maharashtra Police Act, 1951.

2. Learned Counsel for the applicant submitted that the allegations against the present applicant are that on 28/03/2024 during the procession on account of Chhatrapati Shivaji Maharaj Jayati there was a riot between the two communities and during the riot present applicant and other co-accused have pelted stones and bricks in which some of the police personnel have sustained the injuries and also caused the damage to the police vehicles. He submitted that as far as the present

applicant is concerned, his name is mentioned in the FIR. Now, investigation is completed and charge-sheet is filed under Section 299 of Cr.P.C., other co-accused are already released on bail by this Court. As far as the custodial interrogation is concerned which is not required as investigation is practically completed. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application on the ground that specific role is attributed to the present applicant by the witnesses as the witnesses have stated that present applicant was seen pelting the stones towards the other community members as well as due to the said pelting of the stones, the police personnels have sustained the injuries. She further submitted that there are criminal antecedents against the present applicant. Considering the same, he is not entitled for any protection by way of granting anticipatory bail.

4. I have heard learned Counsel for both the sides. Perused the investigation papers which reveals that during the riot between the two communities, both community members have pelted stones towards each other wherein the police personnels have sustained the injuries. It is also reveals from the investigation papers that the investigation is completed and charge-sheet is filed. Admittedly, there is a specific role attributed to the present applicant that he was seen pelting the stones towards the mob. But considering now investigation is

completed and charge-sheet is filed. The custodial interrogation of the present applicant is not required as nothing is to be recovered as only the articles like stones are used which were found lying at the spot of incident. Thus, considering all these aspects, application deserves to be allowed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Mirza Luqman Baig Mirza Usman Baig in connection with Crime No.235/2024 registered with Police Station Nandura, District Buldhana for the offence punishable under Sections 143, 147, 148, 308, 332, 353, 427 read with Section 149 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act, 1932 and Section 135 of the Maharashtra Police Act, 1951, be released on anticipatory bail on executing a PR.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 as and when required for the investigation purpose 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.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*