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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 292 OF 2025

Shoeb Khan Yusuf Khan Momin,
Age: 23 years, Occu.: Teacher,
R/o. Maniyar Mohalla,
Near Markaz Masjid,
Nandurbar, Tq. & Dist. Nandurbar. ... Applicant

Versus

The State of Maharashtra ... Respondent

.....
Mr. Shaikh Altamash Abdul Latif, Advocate for Applicant
Mr. V.M. Chate, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 04 MARCH 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0058 of 2025 registered at Nandurbar City Police Station, District Nandurbar for offences under Sections 109, 190, 132, 121(2), 324(4), 118(1), 189(2), 191(2), 191(3), 192, 125(a), 125(b) of the Bharatiya Nyaya Sanhita [BNS] and Sections 37(1), 37(3) & 135 of the Maharashtra Police Act.

2. Learned counsel for the applicant submits that applicant is falsely involved. That, there is no evidence that he committing any overtact. That, crime is registered against 50 to 60 persons. That, there was said to be some communal clash. That, no

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specific role is defined. That, this Court had already granted bail to other accused in the same crime, therefore, he seeks parity. That, applicant is behind bars since 24.01.2025, and as investigation has progressed considerably, and when nothing is further shown to be recovered at his instance, learned counsel seeks grant of bail.

3. Learned APP opposed on the ground that, there is attack on police party by pelting stones and some of the police personnel suffered injuries. That, 30 persons including present applicant were identified to be involved in attacking police, when crowd was directed to be disbursed. That, there is CCTV footage showing presence of applicant while indulging in rioting and therefore, as investigation is incomplete, learned APP prays to reject the application.

4. Heard. Perused the papers. Report resulting into registration of crime is apparently, as pointed, by a police officer, who was said to be on duty for maintaining law and order. He reported that, on 19.01.2025 at around 9.30 p.m., 50 to 60 Muslim youth, some of whom were masked, started raising slogans against police and when the mob was directed to get dispersed, it is alleged that, there was pelting of stones. Crime seems to be registered at the instance of police officer, but on

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next day i.e. on 20.01.2025. Apparently, allegations are of rioting by a mob. Learned APP made a statement that incidence was a fall out of communal dispute and tension. Applicant is arrested on 24.01.2025 and is behind bars since then. Primarily allegations are of formation of unlawful assembly and indulging in rioting and pelting stones on police party. What is further to be recovered or discovered at the instance of the applicant is not made known to the Court. Though investigation is in progress, considering the above, when no purpose is shown to be achieved by further detention and other similarly placed accused are granted bail, there is no plausible reason to refuse bail to the present applicant, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant Shoeb Khan Yusuf Khan Momin be released on bail in connection with Crime No.0058 of 2025 registered at Nandurbar City Police Station, District Nandurbar, on executing Personal Bond of Rs. 15,000/-, with one surety in the like amount.
- (iii) The applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**