



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2062 OF 2024

Basheer Mehmood @ Munna Khatik

VERSUS

The State Of Maharashtra And Another

AND

ANTICIPATORY BAIL APPLICATION NO. 1832 OF 2024

Kayyum Khan Kale Khan Pathan

VERSUS

The State Of Maharashtra And Another

AND

ANTICIPATORY BAIL APPLICATION NO. 1995 OF 2024

1. Mohsin Mushir Shaikh

2. Shaikh Mushtaque Shaikh Mushir

3. Javed Nabni Pinjari @ Javed (Puddi) Mansuri

VERSUS

The State Of Maharashtra And Another

AND

ANTICIPATORY BAIL APPLICATION NO. 2024 OF 2024

1. Hasanraza @ Raza Shekh Nisar Pinjari

2. Akbar Shah Saleem Shah

VERSUS

The State Of Maharashtra And Another

AND

ANTICIPATORY BAIL APPLICATION NO. 2191 OF 2024

Pathan Altaf Feroz Khan

VERSUS

The State Of Maharashtra And Another

AND

ANTICIPATORY BAIL APPLICATION NO. 20 OF 2025

Ahetesham @ Sonu Shah Firoj Shah Fakir

VERSUS

The State Of Maharashtra And Another

- Mr. A. R. Syed, Advocate for the Applicants
- Mr. S. B. Jadhav, APP for the Respondent/State

CORAM : R. M. JOSHI, J

DATE : JANUARY 23, 2025

PER COURT :

1. When this Court has shown disinclination to grant relief to Applicant No.1 – Mohsin Mushir Shaikh and Applicant No. 2 – Shaikh Mushtaque Shaikh Mushir in ABA/1995/2024, learned Counsel for these Applicants, on instructions, seeks withdrawal of the Application to their extent.

2. Application to the extent of Applicant No.1 – Mohsin Mushir Shaikh and Applicant No. 2 – Shaikh Mushtaque Shaikh Mushir in ABA/1995/2024 stands dismissed as withdrawn.

3. Applicants apprehend arrest in connection with with C.R. No. 210 of 2024 registered with Dondaicha Police Station, Dist. Dhule for the offences punishable under Sections 109, 132, 191, 125, 189, 190, 115(2), 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita and

Sections 135 and 37(1) and 37(3) of the Maharashtra Police Act.

4. The gist of the FIR lodged by the police personnel indicates that religious procession was taken by a community on 19.09.2024 at Dondaicha. In the said procession, certain incident occurred. It is alleged that the persons named in the report as well as others assaulted the police personnel with big stones and bricks. In the said incident, police personnel sustained injuries.

5. Learned Counsel for Applicants submit that the procession was taken with due permission and as such, said gathering cannot be called as illegal. According to him, merely because Applicants were present in the said procession, unless any overt-act done by them which can be attributed to the offence under Section 109 of Bharatiya Nyaya Sanhita. In support of his submissions, he has placed reliance on the order passed by the Coordinate Bench in Criminal Application (ABA) No. 405/2024 at Nagpur Bench. He has drawn attention of the Court to the report lodged in Crime No. 211/2024 in respect of the same incident. This, according to him,

indicates that it was a case of pelting stones by two groups against each other.

6. Learned APP opposed the applications on the ground of seriousness of the crime. She also placed reliance on the transcript of the CCTV footage of the said incident.

7. Perusal of the CCTV footage indicates that present Applicants though were found in the procession, no overt-act seems to have been done by them. Their presence by itself does not amount to an offence as the procession was taken out with due permission. Hence, this Court finds no impediment in confirming interim relief. In the result, applications are allowed by confirming interim relief.

(R. M. JOSHI, J.)