



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

CRIMINAL APPLICATION (ABA) NO.853 OF 2024

(Shaikh Maheboob Shaikh Aziz and another Vs. State of Maharashtra thr. PSO Police Station Nagpuri Gate, Amravati City, Dist. Amravati)

CRIMINAL APPLICATION (ABA) NO.857 OF 2024

(Mohsin Khan Hameed Khan and others Vs. State of Maharashtra thr. PSO Police Station Nagpuri Gate, Amravati City, Dist. Amravati)

CRIMINAL APPLICATION (ABA) NO.859 OF 2024

(Rizwan Ahmad Shaikh Basheer Vs. State of Maharashtra thr. PSO Police Station Nagpuri Gate, Amravati City, Dist. Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Raheel Mirza, Advocate for Applicant.
Ms. Mrunal A. Barabde, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 22nd APRIL, 2025.

COMMON ORDER:

1. Heard.
2. Apprehending the arrest at the hands of police in connection with Crime No.370/2024 registered with Police Station Nagpuri Gate, Amravati City, District Amravati for the offences punishable under Sections 109(1), 110, 125, 132, 189(1), 189(2), 190, 191(2) and 191(3), 324(5), 49, 57, 61(2) of the Bhartiya Nyaya Sanhita, 2023 and under Section 3 of the Prevention of Damages of Public Property Act, 1984 and Section 135 of the Bombay Police Act, 1951, the applicant approached to this Court for grant of pre-arrest bail.

3. The crime is registered on an allegation that the applicant Mohsin Khan Hameed Khan is a Vice President of Social Democratic Party of India and Shafiuddin Sarfuddin and Shaikh Irshad Shaikh Gaffar as a Members of Social Democratic Party of India and Syed Zubair Syed Javed is a General Secretary of the said party. The applicants were present in the chamber of Senior Police Inspector for submitting the complaint. They were shouting loudly and pressurizing the police officials for the registration of the First Information Report. The Police Inspector has convinced them that they would take an appropriate action and thereafter, the mob reached gathered in-front of the police station caused damage to the public property wherein the police personals have sustained the injuries. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants who submitted that only allegation against the present applicants are that they entered in the chamber of the Police Inspector of Nagpuri Gate, Amravati. He submitted that recitals of the FIR no where shows that either present applicants have instigated the other mob for committing any illegal act. Even the statement of the injured and the Police Inspector no where discloses that it was the present applicants who instigated the other mob and therefore, they have caused the damage to the public property. As far as the custodial interrogation is concerned which is not required. The applicants are ready to co-operate with the investigating

agency.

5. The learned APP strongly opposed for the same and submitted that the present applicants who are representing the Social Democratic Party of India unauthorizedly and illegally entered into the chamber of the Police Inspector and were insisting to register the crime and as the Investigating Officer convinced them that he would take appropriate actions they were not ready to listen and thereafter, the entire mob committed illegal activities and caused the damage to the public property. Thus, considering the role of the present applicants, the applications deserves to be rejected.

6. On hearing both the sides and on perusal of the entire investigation papers including the statement of the injured and the concerned Police Inspector only allegation against the present applicants that they entered into the chamber of the Police Inspector. As far as any overt act is concerned which is not attributed to the present applicants therefore, their custodial interrogation is not required. In view of that, the applicants have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order.

ORDER

- (i) The applications are allowed.
- (ii) The applicants Shaikh Maheboob Shaikh Aziz, Wahid Ali @ Wahid Fulwala Rashid Ali, Mohsin Khan Hameed Khan,

Shafiuddin Sarfuddin, Shaikh Irshad Shaikh Gaffar, Syed Zubair Syed Javed and Rizwan Ahmad Shaikh Basheer shall be released on anticipatory bail, in the event of their arrest in connection with Crime No.370/2024 registered with Police Station Nagpuri Gate, Amravati City, District Amravati for the offences punishable under Sections 109(1), 110, 125, 132, 189(1), 189(2), 190, 191(2) and 191(3), 324(5), 49, 57, 61(2) of the Bhartiya Nyaya Sanhita, 2023 and under Section 3 of the Prevention of Damages of Public Property Act, 1984 and Section 135 of the Bombay Police Act, 1951 on executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

- (iii) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency.
- (iv) The applicants shall not involved themselves in similar type of the activities and single incident if reported would lead to the cancellation of bail.

- (v) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

7. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

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