

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

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

902 ANTICIPATORY BAIL APPLICATION NO.107 OF 2020

1. Syed Moinuddin s/o Syed Ibrahim Bagwan,  
Age; 52 years, Occ; Business,  
R/o; Dr. Zakir Hussain Nagar,  
Parbhani, Tq. & Dist. Parbhani.
2. Khamisa Gulam Mohammad s/o  
Mohammad Hussain,  
Age; 60 years, Occ; Business,  
R/o; Kazi Bagh, Menon Colony,  
Parbhani, Tq. & Dist. Parbhani. ..APPLICANTS

VERSUS

1. The State of Maharashtra,  
Through Superintendent of Police,  
Parbhani.
2. The Police Inspector  
New Mondha Police Station,  
Parbhani, Dist. Parbhani. ..RESPONDENTS

Advocate for Applicants : Shri S.S. Kazi  
APP for Respondents-State : Shri B.V. Virdhe

WITH

902 ANTICIPATORY BAIL APPLICATION NO.120 OF 2020

1. Saleh s/o Abdul Rab,  
Age; 61 years, Occ; Business,  
R/o; behind old R.K. Hotel,  
Maulana Azad Road, Parbhani,  
Tq. & Dist. Parbhani.
2. Mohammad Farooq Qadri s/o Mohd. Hussain Qadri,  
Age; 61 years, Occ; Business,  
R/o; 40, Sambhaji Nagar, Dadarao Plot,  
Dr. Eqbal Nagar, Parbhani,  
Tq. & Dist. Parbhani.

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

3. Mohammad Siddique Khan s/o Mohd. Sadeque Khan,  
Age; 31 years, Occ; Business,  
R/o; Itlapur Mohalla, New Mondha,  
Parbhani, Tq. & Dist. Parbhani.
4. Abdul Wajed s/o Abdul Wahed Ansari,  
Age; 53 years, Occ; Business,  
R/o; Near Wajid Kirana, Mominpura,  
Parbhani, Tq. & Dist. Parbhani.
5. Syed Jawed Quadar s/o Syed Abdul Quadar,  
Age; 61 years, Occ; Advocate,  
R/o; Raj Nagar, Opp. Kabrastan (graveyard),  
Qadradabad Plot, Parbhani,  
Tq. & Dist. Parbhani.
6. Mohd. Faizan Mujahed Qadri s/o  
Mohd. Farooque,  
Age; 25 years, Occ; Education,  
R/o; 40, Sambhaji Nagar, Dadarao Plot,  
Dr. Eqbal Nagar, Parbhani,  
Tq. & Dist. Parbhani.

..APPLICANTS.

VERSUS

1. The State of Maharashtra,  
Through Superintendent of Police,  
Parbhani.
2. The Police Inspector  
New Mondha Police Station,  
Parbhani, Dist. Parbhani.

..RESPONDENTS

...  
Advocate for Applicants : Shri S.S. Kazi  
APP for Respondents-State : Shri B.V. Virdhe  
...

**CORAM : M. G. SEWLIKAR, J.**

DATE : 17<sup>th</sup> DECEMBER, 2020.

PER COURT :

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

1. This is an application under Section 438 of the Code of Criminal Procedure for releasing the applicants on anticipatory bail.
2. Facts leading to this application are that on 20.12.2019 applicant Nos. 1 and 2 had joined the protest launched against the Citizenship Amendment Act (CAA) and National Registration of Citizenship Act (NRC) on 20.12.2019. The call of the protest was given by the office bearers of KUL JAMATE VIPHAK MILLI MUTTEHIDA MAHAJ MUSLIM ORGANIZATION. The protest had started at 2.30 p.m. from Iddgah Maidan, Parbhani. At the Shivaji statue the applicants and other protesters gathered holding green, black and blue flags and the banners in their hands. The protesters turned violent and they started blocking the traffic and started giving slogans against the Hon'ble Prime Minister and Hon'ble Home Minister. They started abusing police officers and other employees who were on duty. They caused damage to the vehicles of Fire Brigade. They also caused damage to the Medical Shops and hotels by pelting stones. In this melee, Police Naik Shri Madhav Dhande, B. No. 150 and police Constable Nile, B.No. 59 were injured. This protest was organized without obtaining prior permission from the concerned authorities. Therefore, FIR was lodged by the informant, PSI, Pallewad, on the basis of which offences punishable under Sections 143, 147, 148, 149, 188, 332, 336, 341,

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

353, 427 of the Indian Penal Code, under Sections 3, 4 of Prevention of Damage of Public Property Act and under Section 135 of Bombay Police Act came to be registered against the applicants.

3. Shri Kazi, learned counsel for the applicants submits that contents of the FIR themselves disclose that custodial interrogation of the applicants is not necessary as nothing is to be recovered from them. He submits that none of the applicants were present in the protest. He further submits that he has sought CCTV footage to buttress these contentions but the same is not provided to him. He further submits that both the applicants have complied with the conditions imposed by this Court, while releasing them on interim anticipatory bail. He therefore, prayed for confirming the interim relief.

4. Shri Virdhe, learned APP for respondents-State submits that the applicants have damaged the private property. They also pelted stones because of which police officers and other employees got injured. He further submits that applicant No. 2 is the Vice President of the aforesaid organization at whose instance the protest was organized. He further submitted that statements of witnesses are recorded which indicate that stones were pelted. He submits that the protest was organized without obtaining the permission from the Superintendent of Police.

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

5. On perusal of papers, it is noticed that the protest was organized without obtaining prior permission from the Superintendent of police. From the perusal of the police papers it is seen that the spot panchanama has not been prepared to show that the vehicles were damaged. Therefore, there is no evidence to show that the vehicles were damaged.

7. From the contents of the FIR, it appears that custodial interrogation of the applicants is not necessary. In this view of the matter, I am inclined to confirm the anticipatory bail.

8. Learned APP submits that the applicants did not comply with the conditions of the Court while releasing them on anticipatory bail. To counter this submission Shri Kazi, learned counsel for the applicants placed on record acknowledgments of the Police Officers indicating that they remained present whenever they were called upon to do so. This shows that the applicants have complied with the conditions imposed by this Court. In this view of the matter, I am inclined to confirm the anticipatory bail on same terms and conditions.

9. Learned counsel Shri Kazi for the applicants brought to the notice of this Court that accused No. 5 Sayyed Javed Quadar is expired during the pendency of this application, therefore, his name be deleted. The name of the accused No. 5 Sayyed Javed Quader stands

deleted.

10. Interim anticipatory bail in application No. 107 of 2020 and application No. 120 of 2020 is confirmed on the same terms and conditions.

**( M. G. SEWLIKAR )  
JUDGE**

mahajansb/