



Sessions Case No.127/2026
MHAM010018152026
State Vs. Sk. Raizwan & ors.

ORDER BELOW EXH.04

1. Accused Mustkeem Shaha Shafakat Shaha filed this application for bail under Section 483 of the Bhartiya Nyaya Sanhita, 2023 concerning Crime No. 370/2024 (Sessions Case No.127/2026) registered at Nagpuri Gate Police Station, Amravati. The charges against the accused include offenses under Sections 109(1), 110(2), 49, 57, 61(2), 125, 132, 324(5), 189(1) (2), 190, 191(2)(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of The Prevention of Damage to Public Property Act, 1984 and Section 135 of the Maharashtra Police Act.
2. As per the prosecution, on 4.10.2024, the accused persons unlawfully assembled and reached Police Station Nagpuri gate. All the accused tried to pressurize the police to arrest members of a particular community. They pelted stones and caused damage to the police vehicles as well as private vehicles and caused loss. On these accusations, the report came to be lodged with police against accused persons.
3. The applicant/accused was arrested in execution of non-bailable warrant. The learned Additional Public Prosecutor (APP) filed say and opposed the application.
4. Upon careful consideration of the charge sheet, it appears that the present accused is already released on bail. However, as he remained absent, non-bailable warrant came to be issued against him. As such, in execution of the warrant, the accused was arrested. The accused was already released on bail. Therefore, while releasing the accused, already merits and attending circumstances were examined by the Court and thereafter, the accused was released on bail by reasoned order. This is not a case of breach

of conditions of the bail but failure of the accused to remain present before the Court. Against this backdrop, afresh application of mind on facts and attending circumstances is not required at this stage. Facts and circumstances of the case indicate that stead incarceration in jail restoration of bail would be the apposite choice. The accused has not committed any similar offence, but has remained absent only. Therefore, restoration bail would meet the ends. For this discussion, I am inclined to release the accused on bail. Hence, the order.

ORDER

1. Application is allowed.
2. Accused/applicant Mustkeem Shaha Shafakat Shaha, in Crime no.370/2024 (Sessions C. No.127/2026) registered by Police Station officer Nagpuri gate for the offences punishable under sections Sections 109(1), 110(2), 49, 57, 61(2), 125, 132, 324(5), 189(1) (2),190, 191(2)(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of The Prevention of Damage to Public Property Act, 1984 and Section 135 of the Maharashtra Police Act, be released on executing a Personal Recognizance (P.R.) bond and furnishing a Solvent Surety Bond (SB) of Rs. 25,000/-, with one or more solvent sureties of like amount on following conditions ;
 - i) The applicant shall attend the Court regularly.
 - ii) The applicants shall not tamper with the evidence or influence any witnesses connected to Sessions C. No. 127/2026 in any manner whatsoever.
 - iii) The applicant shall provide his current residential address and contact numbers to the Investigating Officer and inform the officer immediately of any change in address or contact details.
 - iv) The parties are permitted to act on the authenticated copy of the operative part of this order. Hamdast allowed.

Dated :08.06.2026

(Yashwant A. Goswami)
Additional Sessions Judge-2
Amravati.