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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

ANTICIPATORY BAIL APPLICATION NO.1911 OF 2019

Shafaisal Aafaque Hussain Siddique	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.G.J.Prajapati i/b Mr.D.H.Shukla, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI –P.B.Desai, Malvani Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th SEPTEMBER, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 642 of 2019 registered with the Malwani Police Station, Mumbai for the alleged offences punishable under Sections 354, 323, 504 and 506 of the Indian Penal Code.
3. According to the complainant she is residing at Malwani, Malad (W), Mumbai from last 20 years along with her family members i.e.

husband and two sons aged 19 and 16 and a daughter. According to the complainant, the applicant was addicted to drugs and would always fight with the people in the neighboring area, without any reason. The complainant has alleged that on 04.08.2019, when she was filling water, the applicant picked up a fight with her, pursuant to which she filed an NC complaint, with the Malwani Police Station. She has further alleged that on 06.08.2019 at about 10:00 p.m. she had gone to a clinic and was returning home, when the applicant came there and started screaming, stating why she had lodged a complaint against him. The applicant is also alleged to have abused her. The complainant has further alleged that when she tried to pacify the applicant, he pushed her, twisted her hand, pulled her duppatta and touched her inappropriately.

4. Learned Counsel for the Applicant had tendered an affidavit of the applicant on 4th September, 2019 and the said affidavit was taken on record and marked 'X' for identification. In the said affidavit, the applicant had undertaken not to indulge in any offence, not to repeat any act and not to directly or indirectly approach or contact the complainant or her family members. The applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 4th September, 2019.

5. Having regard to what is stated herein-above, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 4th September, 2019, is confirmed on the following terms and conditions:-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall co-operate with the Investigating Agency;
- (iv) The applicant shall abide by the affidavit given to this Court on 4th September, 2019.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.