

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2354 OF 2018

Mohd. Hanif Gulam Nabi Shaikh	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.S.A. Shaikh for Applicant.
Ms.Rutuja Ambekar, A.P.P. for Respondent No.1-State.
Ms.Farhana Shah for Respondent No.2.

CORAM : A.S. GADKARI, J.

DATE : 15th April 2019.

P.C. :

- 1] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.
- 2] By an order dated 4th December 2018, the applicant was granted interim relief.
- 3] The applicant is father in law of the respondent No.2-first informant.

Perusal of the first information report would indicate that, at the most an offence of outraging modesty of the informant by the applicant is *prima-facie* made out. As far as the allegation of commission of an offence under Section 354 of the Indian Penal Code against the daughter of informant i.e. the grand-daughter of the applicant is concerned, it *prima-facie* appears that, the version narrated on page 2 para 2 of the first information report is either an exaggerated version or figment of imagination of the informant. It is an admitted fact on record that, the husband of the informant had given notice of divorce to her prior to the lodgment of the present crime and it appears that, the lodgment of the present crime is an outcome of the same. Even otherwise also for the allegations levelled against the applicant and for investigation of the present crime, custodial interrogation of the applicant by the police is not warranted.

4] In view of the above, interim relief granted by order dated 4th December 2018 is hereby confirmed.

5] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]