

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

ANTICIPATORY BAIL APPLICATION NO. 1226 OF 2021

Syed Azharuddin s/o Syed Mushtaque ... **Applicant**
Age 35 years, Occu: Business,
R/o Qaisar Colony, Aurangabad.

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Inspector,
Jinsi Police Station, Aurangabadp

Mr. Quadri Syed Md. Saqueeb and G.L.Deshpande, Advocate for the
applicant,
Mr. S. B. Narwade, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th November, 2021

ORDER:

1. The applicant is seeking pre-arrest bail in CR No.0393 of 2021 registered with Jinsi Police Station, Dist. Aurangabad for the offences punishable under Sections 452 and 354 of Indian Penal Code (for short, 'IPC').

2. The complainant had alleged that on 8th September, 2021 at about 11.20 am, the victim was in the washroom. The door of the washroom was opened by some one from the outside and when she came out of the washroom, she found that the applicant-accused was standing in front of the bathroom. The applicant-accused had trespassed

into her house. He caught her hand, pulled her and asked her as to why she is not talking to him.

3. The submission of counsel for the applicant is that the FIR was lodged belatedly at about 20.21 pm. The husband of the complainant had borrowed the amount of Rs.45,000/- from the applicant and to avoid repayment, false case has been registered against him. Assuming the allegations to be true, the conversation ensued between the applicant and complainant and act attributed to him does not contain sexual intent and therefore, the offence under Section 354 of IPC is not made out.

4. Learned A.P.P. submits that there is sufficient evidence to show the involvement of the applicant in the crime. Immediately after the incident, the victim was crying and the neighbours had come to her rescue to whom she had disclosed the incident. CCTV footage recorded indicates that the applicant had entered in the premises and exited from the premises.

5. Considering the factual aspects of this matter, relief can be granted to the applicant by imposing stringent conditions. There are no criminal antecedents against the applicant. Custodial interrogation is not necessary.

6. Hence, I pass the following order :-

ORDER

- i. Anticipatory Bail Application No. 1226 of 2021 of is allowed;
- ii. In the event of arrest of applicant in connection with Crime No.0393 of 2021 registered with Jinsi Police Station, Dist. Aurangabad, the applicant be released on bail on his executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount, on following conditions;
 - (a) The applicant shall stay out of the jurisdiction of Jinsi Police Station, Aurangabad for a period of six months.
 - (b) The applicant shall not approach the complainant and shall not intermediate or harass her directly or indirectly.
 - (c) The applicant shall not tamper with the evidence.
- iii. In the event of breach of any conditions imposed in this order, the prosecution would be at liberty to prefer application for cancellation of anticipatory bail granted to the applicant.
- iv. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC