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

CRIMINAL APPLICATION NO. 268 OF 2021

SEEMA SAMIR DATTA

....APPLICANT

V/s.

SHAIZAD SAEED SHAIKH AND ANR

.....RESPONDENTS

Mr. Sanjay Kulkarni for the applicant

Mr. Ajay Patil APP for the State

Mr. Tanaji Kopse, PSI, Marine Drive Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 23, 2021.

P.C.:

1] Heard.

2] Respondent-accused granted protection under Section 438 of Code of Criminal Procedure, 1973 vide order dated 20/11/2021 by learned Sessions Judge, Bombay.

3] The submissions of learned counsel for the applicant are, considering the nature of allegation, court below ought not to have granted protection from arrest to the applicant. He would further claim that investigation in the matter is not properly carried out as

neither mobile is seized nor respondent-accused was subjected to interrogation.

4] Learned APP submits that Court may pass appropriate orders. Learned APP on instructions informs that charge-sheet will be filed within fortnight. Statement is accepted.

5] This Court is satisfied with reasoning which has prompted the Court below to exercise discretion in favour of respondent-accused.

6] Keeping the option of the applicant open to canvass grievance in relation to the investigation before the competent court, in my opinion, no case for cancellation is made out.

7] Application stands rejected.

[NITIN W. SAMBRE, J.]