

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

913 ANTICIPATORY BAIL APPLICATION NO.742 OF 2022

1. ARIF FAROOQ TAMBOLI
2. MUSTAFA SHABBIR KHATIK
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Syed Azizoddin R.
APP for Respondent-State : Mr. G. O. Wattamwar.

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CORAM : S. G. MEHARE, J.
DATE : 06.07.2022

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.
2. Learned counsel for the applicants would submit that the false allegations have been levelled against the applicants. No incident as such happened, however, with an ill motive she has made the serious allegations against the applicants that they have committed sexual intercourse with her by administering her beer (liquor). The applicant Arif did not marry the complainant after their break up. Therefore, complainant intended to extract the money from the applicants.
3. Learned APP has opposed the application contending that the interrogation about administering the beer (liquor) to

the complainant is to be made and the vehicle used to take away the applicant is to be recovered.

4. This Court has discussed the facts in detail in the order dated 20.06.2022. The report is lodged three years after the first incident. The allegations reveal that she has well acquaintance with both the applicants. She never resisted the applicants when she had sex with them. The complainant is major. Since there was a long gap, it may not be possible to trace the evidence. The vehicle is not the weapon used in the crime. Therefore, the State has no case for custodial interrogation. The application deserves to be allowed. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to applicant **Nos.1 Arif Farooq Tamboli** and **2. Mustafa Shabbir Khatik** by an order dated 20.06.2022 stands **confirmed** on the condition that the applicants shall attend Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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vmk/-