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

929 ANTICIPATORY BAIL APPLICATION NO.755 OF 2022

**VIJAY PREMNATH KALE
VERSUS
THE STATE OF MAHARASHTRA**

Mr Ajay Shinde, Advocate for applicant;
Mr V.M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 14th July, 2022

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. It has been alleged against the applicant that in a quarrel he pressed the breast of the complainant and pulled her; therefore, her blouse was torn. The first information report further reveals that there was a fight between the two families and the applicant was also present there.

3. The learned counsel for the applicant would submit that the report is absolutely false. The alleged incident happened on 28.3.2022 and the report is lodged on 4.4.2022. This report is lodged

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afterthought. The report was lodged against the present informant by the mother of the applicant on 1.4.2022. The prosecution has no case for custodial interrogation. Hence, he may be released on anticipatory bail.

4. The learned A.P.P. has vehemently opposed the application. He would point out that the modesty of the woman has been outraged and her blouse was torn by the applicant. Therefore, the custodial interrogation of the applicant is required.

5. Apparently, the first information report is delayed and no explanation is coming forward. It is not in dispute that on 1.4.2022 the mother of the applicant has lodged the report against the first informant. In the absence of any explanation for delayed first information report, the falsehood cannot be ruled out. That apart, reading the first information and the allegations leveled against the applicant, nothing is to be recovered from him. In the facts and circumstances of the case, the application deserves to be allowed. Hence, the following order:-

i) The application is allowed.

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- ii) The interim protection granted to the applicant by order of this Court dated 22.6.2022 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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