

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.972 OF 2022

SHAIKH NOOR SHAIKH HANIF
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Shweta Kothari holding for
Mr. Aniruddha B. Ghule
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 22-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The allegation reveals that the applicant is a friend of husband of the complainant. On the day of incident, she was alone in the home. The applicant knocked on the door. She opened the door and took him inside. The allegation further reveals that with consensus she allowed him to enter the home. However, the applicant caught-hold her hand and touched her thigh. Thereafter, she shouted loudly. So, her brother-in-law came there and the applicant fled away.

3. The learned A.P.P. would submit that a mobile handset used in the crime has to be recovered. Hence, the custodial interrogation of the applicant is necessary.

4. Perused the papers and the first information report. It reveals that the applicant and family of the complainant had thick relations. They used to go to the house of each other. The complainant herself allowed the applicant to enter the home.

5. Considering the facts of the case, the Court is of the view that the prosecution has no case for custodial interrogation. Something appears to have been suppressed from the Court about the incident. Hence, the following order :-

- i) The application is allowed.
- ii) The interim protection granted to the applicant by the order dated 27.07.2022 stands confirmed on the same terms and conditions of the bail, with a condition to attend the police station as and when called by the Investigating Officer on written notice.

**(S. G. MEHARE)
JUDGE**

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