

(1)

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

ANTICIPATORY BAIL APPLICATION NO.1083 OF 2022

**MOHSIN SHABBIR PATEL
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Sunil D. Singh, Advocate and Mr. Krishna Singh, Advocate h/f.
Mr P. N. Sadanshive, Advocate for applicant;
Mr V. M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 5th September, 2022

PC.

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The facts have been discussed in detail in the order dated 12.08.2022. Sections 328 and 407 of the Indian Penal Code were applied subsequent to the registration of the crime. The issue as regards the applicability of Section 328 of the Indian Penal Code is seized with the Honourable Supreme Court. The prosecution has no case for custodial interrogation. In view of the conflicting views of this Court as regards the applicability of Section 328 of the Indian Penal Code and the issue is lying before the Honourable Supreme Court, the application deserves to be allowed. Hence, the following order :-

(2)

- i) The application is allowed.
- ii) The order granting interim protection to the applicant by this Court dated 12.08.2022 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

amj