

(1)

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

ANTICIPATORY BAIL APPLICATION NO.1165 OF 2022

**SURESHCHAND DALICHAND SURANA
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Akshay Subhash Tilve
APP for Respondent/State : Mr. V.M. Kagne
...

CORAM : S.G. MEHARE, J.

DATED : 13th SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant would state that Section 328 of the Indian Penal Code would not attract. The issue as regards the applicability of Section 328 of the Indian Penal Code has been discussed in the order dated 05.09.2022. The prosecution has no material for the custodial interrogation. The issue of applicability of Section 328 of the Indian Penal Code is seized with the Hon'ble Supreme Court and interim protection was granted to the applicants approached to it. In view of the facts and the legal position, the application deserves to be allowed. Hence, the following order :

ORDER

- (A) The Application is allowed.

(2)

(B) The order granting interim protection to the applicant by order dated 05.09.2022 is confirmed on the same terms and conditions.

(S.G. MEHARE, J.)

Mujaheed//