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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.3582 OF 2022**

MR.SAJID SHARIF SHAIKH ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

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Mr. D.S. Manerkar i/b D.S. Manerkar & Associates, for the Applicant.  
Ms. A. A. Takalkar, APP for State.  
API- Dakhore D.D., Oshiwara Police Station present.

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**CORAM : M. S. KARNIK, J.**

**DATE : JANUARY 2, 2023**

**P.C. :**

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** The applicant is seeking pre-arrest bail in respect of C.R.No. 1543 of 2022 dated 22/11/2022 registered with Oshiwara Police Station for the offence punishable under sections 420, 406, 354, 504 of the Indian Penal Code, 1860.
- 3.** There was a leave and licence agreement dated 02/11/2021 executed between the applicant and the

complainant for a period of 11 months commencing from 05/11/2021 and ending on 04/10/2022 on the terms stipulated in the said agreement. It is alleged that the complainant paid deposit of Rs. 10 lakhs. However, neither the applicant handed over the possession of flat to the complainant nor he repaid the deposit of Rs. 10 lakhs which he accepted from the complainant. Learned counsel for the applicant submitted that as the complainant does the business of beauty parlour, she being a make-up artist, there was some objection from the society members. It is alleged in the FIR that on 11/05/2022 when the complainant asked the applicant to refund the deposit amount, he held her hand and thereby outraged the complainant's modesty. In respect of the incident that took place on 11/05/2022, the FIR is registered on 22/11/2022. This delay has not been explained. Having regard to the circumstances brought forward in the complaint, in my opinion, the applicant can be released on pre-arrest bail as even custodial interrogation of the applicant in the present circumstances is not required. The dispute appears to be of

a civil nature. Hence, the following order.

**ORDER**

(a) In the event of arrest of the applicant in connection with C.R. No. 1543 of 2022 registered with Oshiwara Police Station, the applicant- Mr. Sajid Sharif Shaikh be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant shall attend the Investigating Officer on 06/01/2023 & 07/01/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called.

**4.** The application is disposed of.

**(M. S. KARNIK, J.)**