



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 ANTICIPATORY BAIL APPLICATION NO. 1531 OF 2024

Sarfaraz Chhabu Tadavi

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Atmaram J. Patil

APP for Respondents: Mr. B.B. Bhise

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.144 of 2024 registered with Faijpur Police Station, district Jalgaon, for the offences punishable under Sections 354-A, 392, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. It is the prosecution's case that on 16.6.2024 around 11.00 a.m. the informant's husband asked the workers engaged by the applicant not to make construction of the Oata at the outside of the house of accused No.1, as the said land belongs to the informant. It is alleged that the said worker told the same to accused no. 3. On the same day, around 6.00 p.m. when the informant was present in her house, at that time, accused No. 1 came there and abused the informant and outraged her modesty. It is alleged that when the

informant's husband came there, at that time, accused No.1, accused No.3 and applicant came there, abused the informant, her husband and assaulted them with fist and kick blows. It is alleged that the applicant had taken out an amount of Rs.2500/- from the shirt pocket of the informant's husband.

3. It is the contention of the learned counsel for the applicant that there is delay of 2 days in lodging the report. The applicant has been falsely implicated in this case. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant was part of the group which assaulted the informant and her husband. The applicant has taken the amount of Rs.2500/- from the shirt pocket of the informant's husband. The incident is happened on 16.6.2024 and on 17.6.2024 there was festival of Eid, hence the complaint was lodged on 18.6.2024. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. There is delay of 2 days in

lodging the F.I.R. The allegations against the applicant are that he took out an amount of Rs.2500/- from the shirt pocket of the husband of the informant. The accused Nos. 1 and 3 have been released on anticipatory bail by the learned Sessions Court. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 09.09.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/