



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

941 ANTICIPATORY BAIL APPLICATION NO. 354 OF 2025

Shaikh Mujeebuddin Mohammad Shahbuddin

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Z. H. Farooqui
APP for Respondents-State: Mr. S. P. Sonpawale

...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 02, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.37/2025, registered at Gramin Parbhani Police Station, Parbhani, District Parbhani, for the offences punishable under sections 74, 76, 77, 78, 115(2), 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023.
3. This Court, by order dated 18/03/2025, granted interim protection to the applicant, noting the submissions in paragraphs 3, 4, and 5 as follows : -

"3] The allegation against the applicant is that on 01.02.2025, at about 8.00 a.m. the informant was taking bath in her bathroom and at that time she got suspicion that somebody was taking her photo. It is alleged that she looked towards the window of the bathroom and she saw that the wall paper of the window of the bathroom was torn and the present applicant i.e. brother in law of the informant [her husband's brother] was going towards his house. Thereafter, the informant inquired about the same from the applicant but the applicant abused her and threatened her to kill. It is stated that the informant informed the said fact to her father in law and sister in law and informed the said fact to her husband through mobile phone. It is

stated that thereafter she took her bag and left the house in order to go to her parent's house at Pedgaon. It is stated that her father was waiting outside Pedgaon Railway Station and at 2.00 p.m. she alighted from the train at Pedgaon Railway Station and came out of the Railway Station. At that place, the applicant came there outside the railway station and told her that 'she is beautiful and don't go to the parent's house and the accused caught her hand with bad intention and he started dragging her towards Pedgaon Railway Station in order to take her back. At that time the applicant assaulted her by giving slap and fist blows to her hand and neck and tried to disrobe her and at that time her shirt salwar also got torn. Accordingly, the FIR is registered against the present applicant.

4] The learned counsel for the applicant submits that there is some domestic dispute is going on between the parties. He further submits that even if the complaint is taken as it is, the informant's father was present in the railway station and it is improbable that in presence of the father of the informant as alleged offence has taken place at a public place. He further submits that the informant has raised suspicion that the accused has taken photographs of the informant. He further submits that the allegations against the applicant are concocted one and prima facie the same may not be accepted.

5] Considering the submission of the applicant, it appears that the incident as alleged on the railway station in presence of the father of the informant appears doubtful and considering the same, the applicant is granted interim protection in the following terms....."

4. The learned counsel for the applicant submits that, in pursuance of the order dated 18/03/2025, the applicant has attended the police station and cooperated with the investigation. There is no doubt regarding the applicant's attendance at the police station. Considering the applicant's cooperation with the investigation and the absence of any further material

brought on record against the applicant, custodial interrogation of the applicant is not necessary. Accordingly, the interim order passed on 18/03/2025 is confirmed.

5. In view of the above, the application is allowed in the following terms:-

i] In the event the applicant is arrested in connection with FIR No.37/2025, registered at Gramin Parbhani Police Station, Parbhani, District Parbhani, for the offences punishable under sections 74, 76, 77, 78, 115(2), 352, 351(2), 351(3) of Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7. It is also clarified that the observations made in this order are limited

to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.