

**Order below Exh.1 in Cri. Bail Application No.1288/ 2022**

1/- **Misbah Alishan Tamboli 1** .. Applicants  
Accused.

Vs.

The State of Maharashtra  
through PI Bhadrakali Police St. .. Respondent.  
Nashik. (Cr. No. 304/2022)

**Order below Exh. 1**

1. This application has been filed by the applicants/accused **Misbah Alishan Tamboli and Nadeem Yakub Tamboli** under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in the event of their arrest in the aforesaid Crime registered at Bhadrakali Police Station, Nashik for the offence punishable under section 392, 354-A, 452, 504, 506 r/w. 34 of the Indian Penal Code and accordingly interim protection was granted to applicants.

2. Heard Learned Advocate Shri Siddique, for the applicants and learned A.P.P. Smt. Sangale for the State. IO is also present. Perused the case papers. The informant is appeared through Advocate. Perused the say filed by the informant.

3. It is the case of the prosecution that the applicants committed criminal trespass, looted the informant and also outraged the modesty of the informant during the course of action.

4. On perusal of record, it reveal that the applicants and informant party were acquainted with each other. They have some financial transaction. On that count, they had dispute. Learned Advocate for the applicants produced some documents on record to show that the applicant No.1 has lodged report against the informant party on 12.10.2022. Thus, there is case and counter case. Learned

Advocate for the informant submitted that the applicant party pressurize the informant and continued to harass them. Copies of two NC filed by the informant party are produced on record.

5. In respect of the offence of outraging modesty law is settled as follows *“In regard to the allegations of assault or criminal force with intent to outrage her modesty and intimidation as envisaged under Secs. 354-A, 504 and 506 read with Sec. 34 of IPC, custodial interrogation of the applicant is not necessary for the sake of investigation.”*

6. It appears from the say filed by the investigating officer that the applicants cooperated the investigation. There is no any substantial reason quoted in the say filed by the IO to resist the application. Learned Advocate for the applicants submitted that applicants have no criminal antecedents and they are local residents. Applicants are ready to abide any conditions on grant of interim relief. Therefore, considering all these aspects, this Court is of the view that interim relief granted to the applicants can be confirmed. Hence, the order.

**:: ORDER ::**

- 1] The application (Exh.1) is allowed.
- 2] Interim protection granted to applicants stands confirmed subject to same terms and conditions.

Nashik.  
Date : 31.10.2022.

(Aditee U. Kadam)  
Additional Sessions Judge-2,  
Nashik.