

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.788 OF 2014

Amit Suryakant Dalvi	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Sudeep Pasbola i/b. Mr. Rahul Arote,
Advocate for the Applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 30, 2015

P.C.

. The applicant is protected by an interim order in terms of Section 438 of Code of Criminal Procedure passed by my predecessor. The prosecution has filed say opposing the application.

2. Without detailing the matters from F.I.R., it can be said that the same was filed for the accusation of offence punishable under Section 498A of Indian Penal Code. The papers of investigation

does not reveal in material collected showing that the applicant has married the first informant. As a matter of fact, the contention of the applicant is that he was having living in relationship with the first informant. The accusation later on levelled of the applicant having committed offence punishable under Section 406 of Indian Penal Code is *prima facie* unsustainable as money has been transferred to the account of the applicant by cheque. The proceeding under Section 138 of Negotiable Instruments Act is pending in view of the cheque given by the applicant having bounced.

3. The learned counsel for first informant has also shown desire to resolve the matter amicably. In the circumstances, there is no worthy reason for not confirming the ad-interim direction passed. It appears accordingly as in facts and circumstances of the case hardly in case is spelt of custodial interrogation of the applicant for completion of investigation.

4. Resultantly, the application is allowed.

5. The ad-interim direction given by my predecessor is hereby confirmed. However, the applicant is directed to attend the investigating officer on every first Monday of the month and so also on any other day if he specifically summoned by the investigating officer on such dates for the purpose of investigation.

6. Liberty to the applicant to apply for referring the matter for mediation.

Application stands disposed of.

(P.D. KODE, J.)