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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Rajiv Patil, Senior Advocate a/with T. R. Vispute, for the applicant.

Smt. S.S.Kaushik, APP for the State.

P.S.I.S.B.Rathod, Shanti Nagar P.S.Bhiwandi, Thane City present.

CORAM : A.S.GADKARI, J.

DATE : 15th January, 2016

PC.

1) By a detail order dated 4.1.2016 this Court has granted interim relief to the applicant. The learned APP, on instructions, submitted that the applicant has attended the Investigating Officer on stipulated dates. She further submitted that though the applicant attended the Investigating Officer, he did not participate in the process of investigation.

2) In order dated 4.1.2016 at paragraph 3 it is recorded by this Court that the statement of the victim girl under section 164 of Cr.P.C. has been recorded by the Investigating agency. Undoubtedly, the said statement was recorded by a Judicial Officer competent to record the same. In the said statement, the role originally attributed to the applicant has been diluted to that of a witness to the alleged incident. Taking into consideration the said fact, I am inclined to allow the present application.

3) Hence, the following order :

ORDER:-

(a) The interim relief granted to the applicant by an order dated 4.1.2016 is hereby confirmed;

(b) The applicant shall attend the Investigating Officer as and when called for till filing of the charge-sheet;

(c) It is needless to mention that before calling the applicant to the Police Station, the Investigating Officer shall issue a notice under section 160 of Cr.P.C;

(d) It is made clear that the observations made in the order dated 4.1.2016 and today's order are prima facie in nature and are made in the context while deciding the present application of the pre-arrest bail. The trial Court will not get influenced by the same at the time of conducting the trial;

(e) The application is allowed in the aforesaid terms;

(A.S. GADKARI, J.)