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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 539 of 2016

Nadim Noormohammed Panja Vs. The State of Maharashtra

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|------------------------------------------------------------------------------------------------------------|---------------------------|
| 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 Niranjan Mundargi i/by S.D.Pandey for the applicant.  
Smt.Rutuja Ambekar, APP for the State.  
Mr Prashant Pandey Intervener.

CORAM : A.S.GADKARI, J.  
DATE : 4<sup>th</sup> October, 2016.

P.C.

- 1) The applicant is granted interim relief by an order dated 23/3/2016. That in view of the first information report lodged by the respondent no.2, the present crime is registered against the applicant for the offence punishable under sections 376, 377, 312 and 420 of the IPC on 4/12/2015.
- 2) The record reveals that after the said crime is registered, the applicant filed Criminal Application No.107/2016 in this Court for quashment of the said by consent of parties. The respondent no.2 has filed an affidavit dated 4/1/2016 in the said proceeding. It is categorically stated in paragraph nos. 3 and 5 of the said affidavit that the respondent no.2 was the consenting party for the alleged acts

mentioned in the first information report.

3) It is to be noted here that the Division Bench of this Court did not grant any indulgence for quashment of the said proceedings and the said application came to be disposed off as withdrawn by an order dated 21/1/2016. The record further reveals that the respondent no.2 had also submitted a letter dated 4/1/2016 to the Deputy Commissioner of Police and the Senior Inspector of Police, D.N. Nagar, Police Station, Andheri (West), Mumbai requesting the concerned authority to stop the further investigation of the said crime. Apart from the aforesaid facts the first information report would reveal that the alleged relationship between the applicant and the respondent no.2 was continuing from July, 2014 to December,2015 and it is only after the alleged breach of promise of marriage, the present crime is registered.

4) In view of the above, I find that the custodial interrogation of the applicant is not necessary.

5) The interim relief granted by an order dated 23/3/2016 is hereby confirmed.

6) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)