

*Ladda*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1122 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 Abhay Nevge, Sandesh Shukla, Prerana Patil i/by Santosh Sawant for the applicant.

Smt. R.M. Gadvi, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 24th August, 2016

P.C.

1) The applicant is apprehending arrest in CR No.228/2016 dated 11.6.2016 registered with L.T. Marg Police Station, Mumbai under sections 353 and 354(A) of the IPC.

2) The first information report is lodged by Ms Mamta Gupta alleging the offences as contemplated under section 354 and 54 (A) of the IPC against the applicant. The learned APP pointed out that the statement of the victim has been recorded under section 164 of Code of Criminal Procedure, 1973 by the learned Additional Chief Metropolitan Magistrate, Esplanade, Mumbai on 23/8/2016. I have perused the said statement. In the said statement, the victim has reiterated all the facts mentioned in

the first information report. Undoubtedly, the statement recorded under section 164 of Cr.P.C. of the victim has better evidential value. In view of the statement so recorded by the learned Magistrate of the victim under section 164 of Cr.P.C., I am of the opinion that the custodial interrogation of the applicant is not necessary.

Hence, the following order :-

ORDER:-

- (a) In the event of arrest of the applicant in CR No. 228 of 2016 registered with L. T. Marg, Police Station, Mumbai, he shall be released on bail on his furnishing a P.R. bond of Rs. 50,000/- with one or two solvent local sureties in the like amount;
 - (b) The applicant shall attend the Investigating Officer as and when called for between 11:00 a.m. to 5:00 p.m. for the purpose of investigation till the filing of the charge-sheet;
 - (c) The applicant shall not tamper with the evidence and/or influence the witnesses;
- The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)