

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1616 OF 2015

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Ms. Nazneen Contractor for applicant.
Ms. Rutuja Ambekar, APP for State.
Mr. Anand Mishra for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 25th February 2016.

P.C.:

1] By a detailed order dated 27th October 2015, the applicant was granted interim relief. The learned Counsel for the respondent no.2-original complainant opposed the present application and submitted that under the promise of marriage the applicant has committed forcible intercourse with the complainant and therefore his custodial interrogation is necessary.

2] I have perused the documents annexed to the application including FIR. The FIR discloses that the complainant was major at the time of incident and the alleged act under Section 376 of IPC appears to be a consensual act. In view of the same, in my opinion the custodial interrogation of the applicant is not necessary.

3] Hence, the following order:-

- (i) The interim relief granted by order dated 27.10.2015 is hereby confirmed.
- (ii) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)