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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 283 OF 2017

Dharmendra @ Babu Prabhunath Gupta

..Applicant.

Vs.

State of Maharashtra

..Respondent

WITH

APPP NO. 140 OF 2017

Dhani @ Geeta Kishan Awale

Applicant-Intervener

Mr. Kabul Singh Lababa for applicant in ABA No.283 of 2017.

Ms. Meghna Goyalani for applicant-intervener in APPP No/140 of 2017

Mrs. J.S. Lohokare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 18th April 2017.

P.C.

1] By an Order dated 14th February 2017, the applicant was granted interim relief.

2] Heard the learned Counsel for the applicant and the learned APP. I have perused the documents annexed to the application and the papers of investigation.

3] A bare perusal of the first information report would reveal that, the offence as alleged under Sections 376 and 313 of the Indian Penal Code was with the consent of the first informant. It is to be noted here that, the first informant has stated in the report that, she is mother of three children and her elder daughter was aged about 14 years when she indulged into alleged relationship with the applicant. It further appears that, it is only after the breach of promise of marriage allegedly given by the applicant, the present crime is registered. In view thereof, the applicant has made out a case for grant of pre-arrest bail.

Hence, the following Order:

- (i) The interim relief granted by an Order dated 14th February 2017 is hereby confirmed.
- (ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00 p.m. and to join the process of investigation till submission of final report. It is needless to mention that before calling the applicant to the police station, the Investigating Officer shall issue notice under Section 160 of Cr. P.C. to the applicant specifying the date and aforesaid time.
- (iii) The application is allowed in the aforesaid terms.

4] In view disposal of the A.B.A. No.283 of 2017, Criminal Application No.140 of 2017 does not survive and the same is also disposed off.

(A.S. GADKARI,J.)