

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1524 OF 2016

Vinoba Kerba Kavlikate.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Sagar Sunder Vaswani, advocate for Applicant.

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

Ms. Padmaja Yadav, PSI, Vartak Nagar Police Station, Thane.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 9, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the Learned APP for State. Perused papers.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 174 of 2016 registered at Shivaji Nagar Police Station for offence punishable under section 376, 420 of the Indian Penal Code.

3 The applicant has been protected by way of ad-interim order vide order dated 30/8/2016 passed by this Court (Coram : A.S. Gadkari,J). At the time of granting ad-interim relief, the Court has observed that the alleged act as contemplated under section 376 of the Indian Penal Code was consensual act. The Hon'ble Predecessor Court had directed the applicant to attend the office of the Investigating Officer from 6/9/2016 to 10/9/2016 between 11 a.m. to 4 p.m. The learned APP upon instructions submits that the applicant has abided by the said order and has cooperated with the investigating agency. In view of this, ad-interim relief granted vide order dated 30/8/2016 stands confirmed.

4 However, the observations are restricted to an application under Section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of decided application for quashing of FIR or discharge or at the time of trial.

5 Hence, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 174 of 2016 registered with Shivaji Nagar Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two solvent local sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called after issuing notice under section 160 of the Code of Criminal Procedure, 1973 and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)