

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1507 OF 2017

Nayan Dattatraya Falke	..Applicant.
vs.	
State of Maharashtra	..Respondent.

Mr.S.H. Nimbalkar for the Applicant.
Mr.S.R.Agarkar,APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 8th September, 2017.

P.C.

1. The applicant was granted ad-interim relief by an order dated 24.8.2017. In pursuance thereof the applicant has attended the Investigating Officer and has joined the process of investigation.
2. The first information report is lodged by prosecutrix alleging that since 8.7.2015 she was having love affair with the present applicant and under the pretext of promise to marry he had sexual intercourse with her. The first information report is lodged on 10.7.2017. The record indicates that on 8.7.2015 i.e. the alleged first incident the prosecutrix was aged about 17.8 years and had attended the age of understanding. It further clearly appears from the record that the prosecutrix at her own free will had eloped with the applicant. After taking into consideration the fact that the prosecutrix had attend the age of understanding and discrimination on the date of first incident i.e. 8.7.2015, I am of the considered opinion that custodial interrogation of the applicant for the purpose of further investigation is not necessary.

3. In view of the above, the interim relief granted by an order dated 24.8.2017 is hereby confirmed.

However, the applicant is directed to attend the Investigating Officer as and when called between 10.00a.m. to 12.00 noon till the submission of charge sheet and to join the process of investigation. It is needless to mention that before calling the applicant to the concerned police station, the Investigating Officer shall serve a notice under Section 160 of the Cr.P.C. to the applicant.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)