

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

ANTICIPATORY BAIL APPLICATION NO. 845 of 2018
WITH
CRIMINAL APPLICATION NO.1216 OF 2018

Yalraj Tulshidas Gaikwad	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

Mr. Ritesh Thobde for the Applicant.
Mrs. J.S. Lohokare, APP for the Respondent/State.
Smt. Neha Bhide for the Intervener.

CORAM : A.S.GADKARI, J.
DATE : 5th December, 2018

PC :

1. By a reasoned Order dated 24.4.2018 the applicant was granted interim relief and was directed to attend the Investigating officer on stipulated dates, to join the process of investigation.
2. Heard the learned counsel for the applicant, the learned counsel for the intervener and the learned APP. Perused the record of investigation.
3. It is to be noted here that, on the alleged date of elopement and abduction, the prosecutrix was aged about 17 years and 6-months. The record indicates that, the prosecutrix in her statement dated 21.11.2017

given to the lady Police Officer attached to Salgar Vasti Police Station, District Solapur has admitted that she was having love affair with the applicant and at her own free will she left the house of her parents to join the company of the applicant. The record further indicates that, by a separate communication dated 26.10.2017 addressed to the Police Officer, the prosecutrix has stated that, she has married with the applicant herein at her own will. The record of investigation indicates that, on the date of alleged elopement and abduction, the prosecutrix had attained the age of understanding and discrimination. The record further discloses that, in pursuance of Order dated 24.4.2018 the applicant has attended the Investigating Officer and has joined the process of investigation.

4. The learned counsel for the first informant submitted that, after getting the interim relief from this Court the applicant is continuously harassing the applicant and therefore, his custodial interrogation is necessary. I do not find any substance in the said submission. The photographs produced for my perusal reveals that, the prosecutrix has willingly entered into bond of marriage with the applicant.

5. In view of the above, this Court is of the considered view that,

custodial interrogation of the applicant for further investigation of the present crime is not necessary.

The interim relief granted by Order dated 24.4.2018 is hereby confirmed however, the condition to attend the Investigating Officer is waived.

6. In view of the above order, the Criminal Application No.1216/2018 for intervention does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)