

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 479 OF 2018

Kishore Murlidhar Potdar (Sonar)	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

Mr. S.P.Kadam i/by A.D.Hon for the Applicant.
Mr. N.B.Patil, APP. for the Respondent-State.

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

P.C.

1. By a reasoned Order dated 23.3.2018 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 and the learned APP. Perused the record.
3. The first information report lodged by the prosecutrix would indicate that, the prosecutrix was aged about 29 years on the date of lodgment of the crime. It is the case of prosecution that, the applicant by giving promise to marry with the prosecutrix established relations with her. As far as the

promise to give job to the informant as Librarian and admission to her son at Poddar College is concerned, as per the FIR itself the applicant has performed his part of obligation i.e. he had given job to the informant as Librarian in the concerned college and had in fact sent the proposal for approval of the said appointment. It further prima facie appears that, as far as allegation against the applicant pertaining to offence under Section 376 is concerned, it was a consensual act between two adult persons and it is after the service of the informant was terminated by the college, the present crime is registered.

4. In view of the above, this Court is of the view that, custodial interrogation of the applicant for further investigation of the present crime is not necessary.

Interim relief granted by Order dated 23.3.2018 is hereby confirmed. However, the condition to attend the Investigating officer is waived.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)