

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

ANTICIPATORY BAIL APPLICATION NO. 570 OF 2018

Nagendra Pandurang Sonawale ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Vishal L. Kolekar for the Applicant.

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

Mr. P.A.Kadam, PSI, Dighi Police Station, Pimpri Chinchwad City,
present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 21, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 28 of 2018 registered at Dighi Police Station, Pune for the offence under Section 376 of IPC.
2. Heard Mr. Kolekar, the learned Counsel for the applicant and Ms. Lohokare, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. The FIR prima facie reveals that the prosecutrix is 20 years of age and she was friendly with the applicant. The said report further reveals that the sexual relationship between the applicant and the prosecutrix were consensual. The FIR was lodged only when the applicant had refused to marry her.

4. Considering the above facts and circumstances, in my considered view, this is not a case which warrants custodial interrogation. Furthermore, records reveal that the applicant was granted interim bail by order dated 23rd March, 2018 and one of the conditions of interim bail was to report to the Investigating Officer from 26th March, 2018 to 28th March, 2018 for the purpose of interrogation. It is submitted that the the applicant has complied with the said condition and that he has already been interrogated. The presence of the applicant is therefore not required for the purpose of interrogation or investigation. Furthermore, the applicant is a permanent resident of Nanded District, and there are no chances of his absconding or thwarting the course of justice.

5. Considering the above facts and circumstances, the application

is allowed on the following terms and condition:

- (i) In the event of arrest of the applicant in Crime No.C.R.No. 28 of 2018 registered at Dighi Police Station, Pune, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer;
- (iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer;
- (iv) The applicant shall not tamper with the evidence or interfere with the witnesses in any manner.

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signed by
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Pradeep
Salgaonkar
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(ANUJA PRABHUDESSAI, J.)