

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 593 OF 2018

Aditya Dayakant Mungi

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ganesh Gole for the Applicant.

Ms. A.A. Takalkar APP for the Respondent-State.

Ms. Varsha Janrao, PSI Bangur Nagar Police Station.

CORAM : A. S. GADKARI, J.

DATE : 13th JUNE, 2018.

P.C.:-

By an Order dated 28th March, 2018 the Applicant was granted interim relief.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 The first information report and other statements would indicate that, the first informant along with the Applicant had attended a party on 16th March, 2018 and had drinks thereto. That, the Applicant and the first informant thereafter proceeded in an auto rickshaw to their respective residence, when it is alleged that the Applicant has committed the alleged act as has been mentioned in the

first information report and contemplated under Section 354 of the Indian Penal Code. It is to be noted here that, though the first informant initially resisted the Applicant for committing the alleged act, subsequently she did not resist him and it is stated that due to fear she remained silent. The investigation of the present crime is practically at the verge of completion.

4 After taking into consideration the peculiar facts and circumstances of the present case, in view of this Court, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary.

5 In view thereof, interim relief granted by an Order dated 28th March, 2018 is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)