

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 640 OF 2017**

Rahul Anil Kumar Tripathi

....Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Ujjwal Gandhi i/by Rishi Bhute for the Applicant.

Smt. Rutuja Ambekar APP for the Respondent-State.

Mr. Bharati i/by Priya Pande for the Respondent No.3.

CORAM : A. S. GADKARI, J.

DATE : 25th JUNE, 2018.

P.C.:-

By a detailed order dated 13th April, 2017, the Applicant was granted interim relief.

2 Heard the learned counsel for the Applicant, the learned counsel for the first informant and the learned APP. Perused the record of investigation.

3 In pursuance of the Order passed by the Supreme Court dated 30th June, 2016, and the consent terms filed by the parties herein dated 26th November 2016, the present matter was referred for mediation to Advocate Smt. Seema Sarnaik, to resolve the dispute

between the parties.

4 The record indicates that, the learned mediator has submitted a report dated 15th June, 2017 stating that the process of mediation has failed.

5 It is to be noted here that, after the parties could not reach amicable settlement, in furtherance of the Order passed by the Hon'ble the Supreme Court dated 30th June, 2016 in Transfer Petition (Civil) No. 458 of 2015, the present crime has been registered on 3rd March, 2017 by the wife Smt. Pooja Tripathi.

It is further to be noted here that, the alleged offence as contemplated under Section 326 of the Indian Penal Code committed by the Applicant had taken place on 25th January 2017 and the present crime has been lodged belatedly on 3rd March, 2017. That, the version narrated in the first information report, *prima facie*, appears to be little exaggerated.

6 After taking into consideration the entire material available on record and in view of the ratio laid down by the Hon'ble the Supreme Court in the case of Arnesh Kumar Vs. State of Bihar & Anr. (2014) SCC 273, this Court is of the view that the custodial

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

7 In view thereof, the interim relief granted by Order dated 13th April, 2017 is hereby confirmed.

8 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)