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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 738 OF 2018

Dinesh Dilip Pawar **..Applicant**

Vs

The State of Maharashtra & Anr **..Respondents**

Mr. Samel a/w Ms. Sonal Parab I/b Rajeev Sawant & Associates for applicant.
Mr. Y.Y. Dabke APP for State.
Mr. Sanjay Bhatia for Intervener.
Mr. S.L. Jadhav, PSI, Pantanagar Police Station present.

CORAM : A.S.GADKARI, J.
DATE : 26th July 2018.

P.C.:

1] By an Order dated 18th April 2018, the applicant was granted interim relief. By subsequent Orders dated 27th April 2018 and 9th July 2018, the applicant was directed to attend the Investigating Officer on stipulated dates and to join the process of investigation with a view to get his blood sample and for performing other medical examinations by the experts, as the offence alleged allegation against the applicant is predominantly under section 376 of the Indian Penal Code.

2] The learned APP on instructions from the Investigating Officer

who is present in the Court, submitted that, though the applicant attended the Investigating Officer, he did not co-operate in the process of investigation. The learned APP also produced on record the the medical documents and submitted that the Medical Officer attached to Sir J.J. Hospital, Mumbai has observed that, the patient is not willing for collection of blood sample for DNA. That the patient is not co-operating in examination and not willing to sign the same.

3] Thus it is clear that, it is because of the protection granted to the applicant by this Court, he is not cooperating in the process of investigation thereby misusing the said protection. The Honourable Supreme Court in the case of State rep. by the C.B.I Vs. Anil Sharma, reported in (1997) 7 SCC 187 has observed in that regard and the present applicant is an example of the same.

4] In view thereof, interim relief granted by Order dated 18th April 2018 is hereby vacated and as consequence thereof, the application is dismissed.

(A.S.GADKARI, J.)