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

**ANTICIPATORY BAIL APPLICATION NO.1614 OF 2017
WITH
APPP NO. 904 OF 2017**

Ankit Surendra Gaikwad

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Shivkumar Mishra i/b Vijendra Jabra for applicant.

Ms. Anamika Malhotra, APP for the Respondent/State.

Mr. O.R. Tiwari for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 4th JANUARY 2018.

P.C.:

1] By a reasoned Order dated 14.09.2017 the applicant was granted interim relief with a direction to attend the Investigating Officer on stipulated dates and to join the process of investigation.

2] Heard the learned Counsel for the applicant, the learned Counsel for the original Complainant and the learned APP. Perused the record of investigation.

3] The first information report and other statements recorded by the police would reveal that, applicant by giving promise of marriage, established a physical relationship with the first informant and when he

resiled from his promise, the present crime is registered.

After taking into consideration the first information report and other statements, pirma facie it appears that the alleged act, as contemplated under Section 376(2)(n) of Indian Penal Code was a consensual act between two adult persons. In view thereof, this Court is of the view that the applicant deserves to be protected by pre-arrest bail.

4] The interim relief granted by an Order dated 14th September 2017 is confirmed. The applicant is directed to attend the Investigating Officer as and when called between 10.00 a.m to 12.00 noon and to join the process of investigation till filing of chargesheet/final report.

It is needless to mention that, before calling the applicant to the police station, the Investigating Officer shall issue a notice under Section 160 of Cr. P.C. to the applicant.

5] Application is allowed in the aforesaid terms.

6] In view of Order passed in A.B.A. No.1614 of 2017, the Criminal Application No.904 of 2017 does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)