

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 225 OF 2019

Gaurav Ramesh Kanvinde	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Hrishikesh Mundargi for Applicant.
Mr.Amit Palkar, A.P.P. for Respondent-State.
Mr.A.S. Khandeparkar a/w. Ms.Apoorva Khandeparkar i/b.
Khandeparkar and Associates for Intervenor.

CORAM : A.S. GADKARI, J.

DATE : 8th April 2019.

P.C. :

1] Heard the learned counsel for the applicant, the learned counsel for the first informant and the learned APP for the State. Perused the record of investigation.

2] By an order dated 25th January 2019 the applicant has granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

The record indicates that in-pursuance of the order dated 25th January 2019 the applicant has attended the Investigating Officer

and has co-operated the process of investigation.

3] It is the case of the prosecution that, the applicant got acquainted with the prosecutrix on matrimonial site and after due verification, they decided to enter into matrimonial bond. Necessary arrangements for solemnization of their marriage were made by their respective parents. It is alleged that the applicant by taking undue advantages of the situation i.e. his marriage with the prosecutrix is scheduled, pressurized her to have physical relations with him. It is alleged that, subsequently, the applicant resiled from his promise of marriage and therefore, the present crime is registered.

4] A perusal of the first information report would *prima-facie* indicates that the physical relations between the prosecutrix and the applicants were consensual. The prosecutrix is aged about 24 years and is a well educated lady.

5] As noted earlier, the prosecutrix is an adult woman and is well educated and therefore, she was aware of the consequences of the alleged relations with the applicant. In view thereof, the allegations as contemplated under Section 420 of the Indian Penal Code remains to be investigated by the police in the present crime. It is alleged that in the

engagement ceremony, the parents of the prosecutrix had gifted certain articles to the applicant, which are to be recovered by the police.

6] The learned counsel for the applicant, on instructions, submitted that the applicant is in possession of a ring made of a gold metal and he will deposit the said article with the Investigating Officer/Investigating Agency within a period of one week from the date of receipt of this order . The said statement is accepted.

7] In view of the above, this Court is of the opinion that that the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

Interim relief, granted by order dated 25th January 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

8] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]