

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1560 OF 2019**

Sudarshan S/o Shridhar Kaul	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Deepak C. Natu I/b N. Deepak & Co. for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

PI Mr. Sanjay Sadashiv Marathe from Dahisar Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 24th JULY 2019

P.C.

1 At the outset, learned counsel for the applicant seeks leave to amend the prayer clauses. Leave granted. Amendment be carried out forthwith.

2 Heard learned counsel for the parties.

3 By this application, the applicant seeks quashing and setting aside of the order dated 26th April 2019 passed in Miscellaneous

Application No. 74 of 2019 by the Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, thereby cancelling the pre-arrest bail granted to the applicant by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai vide order dated 3rd April 2019 passed in Anticipatory Bail Application No. 468 of 2019, in connection with C.R. No. I-384 of 2018 registered with the Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 376(a)(b), 377, 506 of the Indian Penal Code; under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act and under Section 66(B) of the Information Technology Act.

4 Perused the papers. It appears that the applicant was granted pre-arrest bail vide order dated 3rd April 2019 passed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai, in Anticipatory Bail Application No. 468 of 2019. However, as the applicant had not cooperated with the investigating agency and had not appeared for his medical examination, the said order dated 3rd April 2019 granting pre-arrest bail to the applicant, was cancelled vide order dated 26th April 2019 passed in Miscellaneous Application No. 74 of 2019 by the

Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai. Being aggrieved by the said order, the applicant has approached this Court.

5 In view of the affidavit filed by the applicant, stating therein, that he is ready to cooperate with the investigating agency and is ready to undergo the medical tests, the applicant was granted interim protection by this Court vide order dated 8th July 2019.

6 Learned A.P.P, on instructions, states that the applicant has cooperated with the investigation and has undergone medical tests.

7 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

(i) The order dated 26th April 2019 passed in Miscellaneous Application No. 74 of 2019 by the Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, is hereby quashed and set-aside;

(ii) The order dated 3rd April 2019 passed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai, in Anticipatory Bail Application No. 468 of 2019, granting pre-arrest bail to the applicant, is revived;

(iii) In the event of the arrest, the applicant be enlarged on bail on the same terms as mentioned in the order dated 3rd April 2019.

8 The application is accordingly disposed of.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.