

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1801 OF 2018**

Prakash Manilal Parmar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Milan Desai I/by T.R. Patel for the Applicant.

Ms. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 13th MARCH, 2019.****P.C.:-**

By an Order dated 5th September, 2018, the Applicant was granted interim relief.

2 A bare perusal of the first information report would *prima facie* indicate that, the act alleged as contemplated under Section 376(2)(n) of the Indian Penal Code was a consensual act between two adult persons and when the relations between the informant and the Applicant were noticed by the wife of the Applicant and she opposed it, the present crime is registered.

3 In view of the above, the custodial interrogation of the Applicant for further investigation of the present crime is not

necessary.

Interim relief granted by Order dated 5th September, 2018 is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned Police Station is waived.

4 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)