

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2126 OF 2018

Ramjibhai Khankhan Chheda	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Niranjan Mundargi i/b. FF & Associates for Applicant.
Mr.Ajay Patil, A.P.P. for Respondent-State.
Mr.Pravin Rane, I.O., Malad Police Station, Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 15th March 2019.

P.C. :

1] By an order dated 15th October 2018 the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

Learned APP, on instructions submitted that the applicant has complied with the said condition and has co-operated in the process of investigation.

2] The age of the applicant is 65 years and the age of the prosecutrix is 55 years. It is the allegation against the applicant that he by extending promise to marry with the prosecutrix, established physical relations with her and subsequently, resiled from the said promise. In the First Information Report itself, the prosecutrix has admitted that she was having liking towards the applicant and she had given consent to marry. It appears from the record that the relations between the applicant the prosecutrix were consensual relations between two adult persons. In view of the above, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

3] Interim relief, granted by order dated 15th October 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

4] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]