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

**ANTICIPATORY BAIL APPLICATION NO.2600 OF 2018
WITH
APPP NO. 471 OF 2019**

Rohan Kamlakar Gonjari

.Applicant

Vs

The State of Maharashtra

..Respondents

Mr. A.H. Ponda I/b Sanjay Patil for applicant.

Mr. R.M. Pethe, APP for State.

Mr. Kartik Garg for Intervener.

Mr. S.S. Sable, P.I., Kongaon Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 11th April 2019.

P.C.:

1] By well-reasoned Order dated 18th December 2018, the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

2] Heard the learned counsel for the applicant, the learned counsel for the Intervener and the learned APP for the State. Perused the record.

3] As recorded in the Order dated 18th December 2018, the act as contemplated under section 376 of Indian Penal Code, prima facie appears

to be a consensual act.

4] The record indicates that, the medical examination and other related aspects of the applicant have been conducted by the Investigating Agency. It is submitted that, in pursuance of Order the said Order, the applicant attended the Investigating Officer on stipulated dates and has co-operated in the investigation of the present crime.

5] After perusing the record, this Court is of the view that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary. In view thereof, interim relief granted by 18th December 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

Application is allowed in the aforesaid terms.

6] In view of Order passed in A.B.A. No.2600 of 2018 as the opportunity of hearing is given to the learned counsel for the Intervener, Criminal Application No. 471 of 2019 for intervention does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)