

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2618 OF 2018**

REKHA J. AGARWAL AND ANR.

.....APPLICANTS

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

WITH**CRIMINAL APPLICATION NO. 1583 OF 2018****IN****ANTICIPATORY BAIL APPLICATION NO. 2618 OF 2018**MANJU SURESH BADYANI
(THAKKAR)

.....APPLICANT

IN THE MATTER BETWEEN

REKHA J. AGARWAL AND ANR.

.....APPLICANTS

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Smt. Angana Sarmah I/by Diwakar Singh for the Applicants.

Mr. S.S. Hulke APP, for the Respondent-State.

Ms. Prabha Badadare for the Applicant-Intervenor.

CORAM : A. S. GADKARI, J.**DATE : 4th APRIL, 2019.****P.C.:-**

Heard the learned counsel for the Applicants, the learned counsel for the first informant at greater length and the learned APP.

Perused the record of investigation.

2 By a reasoned Order dated 21st December 2018, the Applicants were granted interim relief and were directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

3 A bare perusal of the first information report would indicate that, the allegation as narrated therein is of inappropriate touching to the prosecutrix by the Applicant No.2, who was aged about 11 years.

It is to be noted here that, the prosecutrix is the daughter of the Applicant No.1 from her second husband and the step sister of the Applicant No.2 who is son of Applicant No.1 from her first husband. The record indicates that, there are certain matrimonial disputes and/or discords between the Applicant No.1 and her second husband and both the parties had approached the police on the earlier occasions. Even otherwise, after perusing the first information report, and the allegations made against the Applicant No.2 herein, in the opinion of this Court the custodial interrogation of the Applicant No.2 is not necessary. It is the allegation against the Applicant No.1 that, she despite knowledge of commission of offence by the Applicant No.2, protected him.

4 The record further indicates that, the Applicants have complied with the conditions imposed upon him by Order dated 21st December 2018.

 In view thereof, interim relief granted by Order dated 21st December, 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

 Application is allowed in the aforesaid terms.

5 In view of the Order passed in Anticipatory Bail Application No. 2618 of 2018, Criminal Application No. 1583 of 2018 for intervention does not survive and is accordingly disposed off.

(A.S. GADKARI, J.)