

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.219 OF 2020**

Pushkar Narayan Kale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Niteen Pradhan i/b. Shubhada D. Khot, for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th February 2020

P.C.:

1. This is an application for Anticipatory Bail in connection with C.R.No.I-120 of 2019 registered with Wadiwareh Police Station, District- Nashik, for offence under Sections 376 and 506 of Indian Penal Code.
2. It is contended that the applicant is a commissioned officer in Indian Army and presently posted in Gurej in Jammu & Kashmir. The order passed the Sessions Court rejecting the application for Anticipatory Bail states that prima facie it appears that the parties were in love with each other and during their meetings, once there was physical relationship. There was assurance of marriage and hence the victim surrendered.

3. The applicant was granted interim protection by order dated 28th January 2020. Subsequently by order dated 04th February 2020, the applicant was directed to remain present before the Investigating Officer on 7th and 8th February 2020 between 9:00 a.m. to 4:00 p.m.

4. Learned counsel for the applicant submitted that the applicant has complied the directions stipulated in order dated 04th February 2020. He has appeared before the Investigating Officer and co-operated with the investigation.

5. Learned APP confirmed the said facts. It is submitted on instructions that the applicant has handed over the cell phone and he has been medically examined. Considering the factual matrix of this case, the custodial interrogation of the applicant is not warranted. It is submitted by the learned counsel for the applicant that, the applicant is commissioned and appointed as lieutenant in Indian Army and presently posted at Gurej, in Jammu and Kashmir. He would remain present as and when directed by the investigating agency to appear before the Investigating Officer for the purpose of investigation. Hence, I pass the following order :-

ORDER

- (i) Anticipatory Bail Application No.219 of 2020 is allowed;
- (ii) Interim order dated 28th January 2020 is confirmed. In the event of the arrest of the Applicant in connection with C.R.No. I-120 of 2019 registered with Wadiwareh Police Station, District- Nashik, the Applicant be released on bail on his furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) Applicant shall furnish details to the Investigating Officer with regards to posting, mobile number and the contact numbers of the parents.
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)