

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 807 OF 2019**

Nikhil Nandlal Singh

... Applicant

**V/s.**

The State of Maharashtra

... Respondent

Mr. Milan Desai i/b. T. R. Patel for Applicant.

Smt. Rutuja Ambekar, A.P.P. for Respondent-State.

**CORAM : A.S. GADKARI, J.****DATE : 19<sup>th</sup> July 2021.****(Through Video Conferencing)****PC. :**

1. Heard Mr. Desai, learned counsel for the Applicant and Smt.Ambekar, learned A.P.P. for the Respondent-State. Perused record of investigation.

2. By an Order dated 2<sup>nd</sup> April 2019, the Applicant was granted interim relief.

3. The First Information Report is lodged by the prosecutrix who is the younger sister of the sister-in-law of Applicant. It is the prosecution case that, the Applicant and prosecutrix were having love affair upto the year 2017. The Applicant by giving promise to marry, established physical relations with the prosecutrix and subsequently resiled from his promise. A

crime bearing No.I-406 of 2017 under Section 376 and 506 of the Indian Penal Code is registered against the Applicant by the prosecutrix. It is the further prosecution case that, on 12<sup>th</sup> November 2018, between 9.00 p.m. to 9.30 p.m., when the prosecutrix was returning to her home from Saibabanagar, near Don Bosco School, Shanti Park, Mira Road, the Applicant followed her and stopped the Autorikshaw from which the prosecutrix was travelling. He touched the prosecutrix inappropriately, torn her clothes and threatened that, if the prosecutrix did not withdraw the earlier case (C.R. No.I-406 of 2017), the Applicant will kill her. In the brief premise, the present crime is registered.

4. Mr. Desai, learned counsel for the Applicant submitted that, the present crime has been registered with exaggerated version by the prosecutrix. He further submitted that, only with a view to implead the Applicant in more crimes the present crime has been registered. He submitted that, even otherwise, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary and therefore Applicant may be protected by pre-arrest bail.

5. I find substance in the submissions made by the learned Advocate for the Applicant. For the further investigation of the present crime, which is registered in the aforestated brief premise, in my view, the custodial interrogation of the Applicant is not necessary and the Applicant can be

protected by pre-arrest bail.

6. In view of the above, interim relief granted by Order dated 2<sup>nd</sup> April 2019 is confirmed.

However, the Applicant is directed to attend the Investigating Officer, as and when called for, between 10:00 a.m. and 1:00 p.m., and to join the process of investigation till filing of charge-sheet.

It is needless to mention that, before calling the Applicant to the Police Station, the Investigating Officer shall issue a notice in writing to the Applicant, specifying the date and time of attendance therein.

7. Application is allowed in the aforesaid terms

**[A.S. GADKARI, J.]**