

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2480 OF 2019**

Dipmoy Kanti Dey	Versus	...Applicant
The State of Maharashtra		...Respondent

Mr. Raviraj Parmane, for the Applicant.
Mr. Arfan Sait, APP for the State.
API Sachin Doke, Vartak Nagar, Police Station, present.

**CORAM: N. J. JAMADAR, J.
DATED : 7th AUGUST, 2021**

PC:-

1. This is an application for pre-arrest bail in connection with CR No.281 of 2019, registered with Vartak Nagar Police Station, Thane, for the offences punishable under Sections 376, 417 and 323 of the Indian Penal Code, 1860 ("the Penal Code").
2. The gravamen of indictment against the applicant is that the applicant had induced the prosecutrix to have physical relations by repeatedly promising to marry her and when the prosecutrix insisted for solemnization of marriage, the applicant assaulted her and thereby committed the offences punishable under Sections 376, 417 and 323 of the Penal Code.
3. By an order dated 15th November, 2019, this Court granted interim relief, opining *inter alia* that *prima facie* the complaint

dated 18th September, 2019 indicated that the relationship was consensual.

4. The learned Counsel for the applicant submits that during the intervening period the applicant was arrested and released on bail, in terms of the aforesaid order dated 15th November, 2019. Post completion of investigation, charge-sheet was filed before the jurisdictional Magistrate. Even the case has been committed to the Court of Session, Thane, being Sessions Case No.222 of 2021.

5. Mr. Sait, the learned APP confirmed, on instructions, that the charge-sheet has been lodged on 12th February, 2021 and the case is committed to the Court of Session. It is further submitted that the applicant was arrested on 23rd December, 2020 and has been released on bail, which fact is noted in the report under Section 173 of the Code of Criminal Procedure.

6. Since the interim order granting pre-arrest bail has been given effect to, the investigation is complete, charge-sheet has been lodged and even the case is committed to the Court of Session, at this stage, the question of custodial interrogation of the applicant does not arise. The reasons which weighed with this Court while granting interim relief still hold the ground. In the circumstances, in my considered view, the interim order deserves to be made absolute.

7. Hence, the following order:

: O r d e r :

- (i) The application stands allowed.
- (ii) The interim order dated 15th November, 2019, is made absolute on the same terms and conditions.
- (iii) In addition, the applicant shall regularly attend the Court of Session and render the necessary cooperation in the expeditious conclusion of the Sessions case.
- (iv) The aforesaid observations may not be construed as an expression of opinion on the merits of the case and the learned Session Judge shall decide the Sessions Case uninfluenced by the observations made by this Court in the interim order dated 15th November, 2019 and this order.

[N. J. JAMADAR, J.]