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

ANTICIPATORY BAIL APPLICATION NO. 2511 OF 2019

Dr.Sachin Jawaharlal Chilgar

.... Applicant

Vs.

The State of Maharashtra

..... Respondent

Mr.S.V.Marwadi i/b Mr.Shailesh I. Kantharia, for the Applicant.
Smt.P.N. Dabholkar, APP for the Respondent - State.
Mr.Waghmode, API Santacruz Police Station.

CORAM : M. S.KARNIK, J.

DATE : 07th AUGUST, 2021

P.C. :

. Heard learned Counsel for the Applicant and learned APP for the State. My attention is invited to the order dated 21/11/2019 passed by this Court. This is an application for pre-arrest bail in connection with C.R. No. 404 of 2019, registered with Santacruz Police Station, Mumbai for the offence alleged against the Applicant under sections 376, 328, 504 & 506 of Indian Penal Code. It would be material to reproduce paragraph 5 to 7 of the order passed by this Court while granting interim protection which read thus:

"5.Learned Counsel for the Applicant submitted that the relationship was apparently consensual. He relied upon the contents of the FIR and the messages exchanged between the parties. It is pointed out that the messages were exchanged showing affinity by the complainant even after the date of the alleged incident as reflected in the FIR.

6 . FIR refers to the incident of 12th April, 2018 and 13th May, 2018. FIR was lodged on 14th October, 2019.

7. Learned APP submits that the mobile phone of the Applicant is required to be recovered. It is also submitted that the Applicant is threatening the complainant. Learned Counsel for the Applicant, however, deny the contentions of issuing any threats. It is also submitted by learned APP that the Applicant is required for the purpose of medical examination. Learned Counsel for the Applicant submits that he is willing to co-operate with the investigation and would produce the mobile phone and also make himself available for medical examination. In the circumstances, interim protection can be granted to the Applicant on certain terms and conditions."

2. Learned APP on instructions submits that pursuant to the statement recorded in paragraph 7 of the said order, the Applicant is co-operating with the investigation and has produced the mobile phone and even made himself available for medical examination. Even charge-sheet is ready and is expected to be filed within a period of 3 weeks, may be earlier. Even learned APP fairly submits on instructions that in this view of the matter,

the custody of the Applicant may not really be necessary as investigation is complete and even the Applicant has co-operated with the investigation. It is pointed out that the Applicant had reported to the Investigating Officer on the date fixed by this Court and even thereafter as and when called by Investigating Officer for the purpose of investigation. The Applicant is on pre-arrest bail since 21/11/2019. In this view of the matter, following order is passed.

ORDER

(i) The interim order passed by this Court on 21/11/2019 is confirmed.

(i) In the event of arrest of the Applicant in connection with C.R.No.404 of 2019, registered with Santacruz Police Station, Mumbai, the Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The Applicant shall report to the Investigating Officer as and when called for.

(iv) The Applicant shall not indulge in any act of

threatening complainant or witnesses.

3. Application is disposed of.

(M.S.KARNIK, J.)