

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1364 OF 2020

Manzoor Khan Masood Khan

..PETITIONER

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. Rajendrraa Deshmukkh, Senior Advocate a/w Mr. Govind A. Kulkarni,
Advocate i/b Mr. D.R. Deshmukh, Advocate for petitioner

Mr. S.P. Sonpawale, A.P.P. for respondent - State

Mr. K.D. Jadhav and Mr. A.D. Ostwal, Advocates for respondent

....

**CORAM : R.G. AVACHAT, J.
DATED : 02nd MARCH, 2022**

PER COURT :

1. The challenge in this petition is to an order dated 30th September, 2020 passed by the learned Additional Sessions Judge, Aurangabad below Exhibit 1 in Criminal Miscellaneous Application No. 271 of 2019 cancelling anticipatory bail granted to the petitioner in connection with Crime No. 0420 of 2018 registered with Satara Police Station, Dist. Aurangabad for the offences punishable under Sections 376, 504, 506 and 509 of the Indian Penal Code.

2. Heard. The pre-arrest bail granted to the petitioner has been cancelled mainly on the ground of his non cooperation to submit himself for

medical examination for D.N.A. profiling. Since the petitioner came around to submit himself for medical examination, the substantial case for cancellation of pre-arrest bail does not survive. As regards merits of the matter, it is to be stated that the F.I.R. has been lodged one year after last such incident of rape. It is better not to make any observation regarding merits of the F.I.R. Whether such incidents have really happened, if so, whether those were as in the nature of consensual relationship would be a matter to be decided by the competent Court during trial of the case. The petitioner is expected to abide by the directions given while granting pre-arrest bail.

3. Criminal writ petition is allowed in terms of prayer clause (C).

(R.G. AVACHAT, J.)

SSD