

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.993 OF 2015

Tulsiram Hari Paradhi

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.P.B. Naiknaware for the Applicant

Ms.Veera Shinde, for Respondent – State

Ms.K.S. Nirmal, Investigating Officer / PSI, Nasik Taluka police station -
Present APP,

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 13, 2015**

P.C.:

1. This is an application for bail as the applicant/accused is prosecuted for the offences punishable under sections 376(2)(i)(j), 506 of the Indian Penal Code as also under section 4 of the the Protection of Children from Sexual Offences Act, 2012. The prosecutrix is aged 15 years. It is the case of the prosecution that she was raped by the applicant/accused, who was in her relation. Thereafter, he threatened her and so she did not disclose about the incident to anybody. However, after 3 to 4 moths, she had vomiting sensation and she realised that she was pregnant. Therefore, she told all about the incident to her mother. Her parents questioned the applicant/accused and at that time, he denied about the rape. So she lodged a complaint on 30.12.2014 against the accused. The

applicant/accused was arrested on 30.12.2014 and hence, this application.

2. The learned Counsel for the applicant/accused has submitted that the prosecution has received the DNA test report and a still born baby was born to the prosecutrix and the bone sample was taken and the report discloses that the test result is negative and the accused is excluded to be the biological father of the baby. The learned Counsel has therefore prayed that the applicant/accused be released on bail.

3. The learned Prosecutor, on instructions, confirms that the test report. A copy of the same is taken on record and marked 'X' for identification.

4. On perusal of the FIR, it is found that there is only one incident of sexual intercourse on 3.5.2014 and thereafter the prosecutrix who was a minor girl of 15 years, remained pregnant out of this incident. However, the report is negative and has excluded the applicant/accused to be the biological father of the baby of the prosecutrix. In view of this, the applicant is released on bail on the following terms:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/-, with one or two sureties in the like amount;

- ii) The applicant shall not influence or pressurise the prosecutrix or the other witnesses;
 - iii) The applicant shall not indulge into any kind of offence while on bail;
 - iv) The applicant shall attend all the Court dates.
5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)