

(1)

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

CRIMINAL APPLICATION NO. 2675 OF 2016

Vishwambhar s/o Mahadeo Ghadshinge ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr M. S. Karad, Advocate holding for Mr S. V. Jadhwar, Advocate for applicant;
Ms. R. P. Gaur, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th June, 2016

ORAL ORDER :

The applicant is seeking his release on regular bail, in connection with Crime No. 110 of 2015, registered with Majalgaon (Rural) Police Station, Tq. Majalgaon, Dist. Beed, for offences punishable under Sections 376 (2) (F) (N) and 506 of the Indian Penal Code for the alleged incident dated 19th July, 215.

2. It is claimed by the victim-complainant Lata Baburao Ghadsinge that the applicant is her close relative and has carried out an act of rape on her.

3. The investigation into the offence is completed and chargesheet is filed. There are no criminal antecedents against the present applicant.

(2)

4. The D.N.A. Report as is placed on record speaks that D.N.A. of the genetic systems analyse with the D.N.A. of the present applicant, did not match with the obligate paternal alleles presence in the Foetus femur of victim-complainant Lata.

5. It is then required to be noted that victim's parents have not registered any complaint for almost more than 8 months for the alleged incident and it is upon intervention of the police authorities have given statement, resulting into registration of crime in question.

6. Once it is noted that D.N.A. does not match with that of present applicant, there is no point in his further detention in crime in question.

7. In the above background, in my opinion, it will be appropriate to enlarge the applicant on bail. Hence, I pass following order :-

The applicant be released on bail, in connection with Crime No. 110 of 2015, registered with Majalgaon (Rural) Police Station, Tq. Majalgaon, Dist. Beed, for the offences punishable under Sections 376 (2) (F) (N) and 506 of the Indian Penal Code, upon furnishing P.R. Bond of Rs 10,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)