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

CRIMINAL APPLICATION NO.3023 OF 2016

Umesh s/o Sahebrao Tayade,
Age: 21 years, Occu: Labour,
R/o. Kapshi Road,
Tq. & Dist. Akola ..APPLICANT

VERSUS

The State of Maharashtra
through Police Station, Waluj,
Tq Gangapur, Dist. Aurangabad. ..RESPONDENT

Mr C. R. Thorat, Advocate for applicant;
Mr A. S. Shinde, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.
DATE : 5th August, 2016

ORDER :

The applicant approached this Court in Criminal Application No. 4254 of 2015, which was disposed of as withdrawn vide order dated 25th August, 2015 with liberty to apply afresh, if the report of D.N.A. analysis qua biological father of the child of complainant, is received.

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2. It is noticed by learned Counsel for the applicant that the report is received and placed on record. While relying upon the contents of the said report, he would submit that once by the scientific method, it is determined and the applicant is excluded to be biological father of the child of the complainant, there is hardly any material on record to order further detention of the applicant.

3. Learned A.P.P. opposed the claim strenuously on the ground that the trial is at very advanced stage and will be concluded in shortest period and as such, the application of the applicant be rejected.

4. The contention of the learned A.P.P., in my opinion, is liable to be rejected for the reason that this Court has granted liberty to move vide order dated 25th August, 2015 to approach this Court after receipt of D.N.A. Report for renewing prayer for grant of bail. Perusal of the D.N.A. Report depicts that in clear terms, the applicant

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is excluded to be biological father of B/O of complainant Amrapali.

5. In this view of the matter, since *prima facie* involvement of the applicant, itself is under doubt and apart from above, there is no convincing circumstance or material, which prompts his further detention, it will be appropriate, in my opinion to order the release of the applicant. The undertaking given by learned Counsel for the applicant, upon instructions, that the applicant shall attend on each and every date of hearing of the trial, is accepted and it is one of the important consideration for granting present application. Hence, the following order :-

The applicant be released on bail, in connection with Crime No I-28 of 2015, registered with Waluj Police Station, District Aurangabad, for the offence punishable under Section 376(2)(F) of the Indian Penal Code and under Section 3(A), 4, 5(L) (N), 6 of the Protection of Children from Sexual

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Offences Act, upon furnishing P.R. bond of
Rs.15,000/- with one surety in the like amount.

6. Criminal Application stands allowed in
above terms.

(N.W. SAMBRE, J.)

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