

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

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.4356 OF 2015**

**IN**

**CRIMINAL APPEAL NO.746 OF 2015**

Kisan s/o Dattu Bhand,  
Age-50 years, Occu:Agri.,  
R/o-Dhotre (Bk.),  
Tq-Parner, Dist-Aurangabad.

**...APPLICANT**

**VERSUS**

- 1) The State of Maharashtra,  
Through Parner Police Station,  
Ahmednagar,
- 2) Savita d/o Vitthal Bhand,  
Age-16 years, U/guardian of  
Vitthal Namdeo Bhand,  
Age-65 years, Occu:Labourer,  
R/o-Dhotre (Bk.),  
Tq-Parner, Dist-Ahmednagar.

**...RESPONDENTS**

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Mr.Shankarrao G. Shinde Advocate for  
Applicant.

Mr.A.R. Borulkar, A.P.P. for Respondent No.1.

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**CORAM: S.S. SHINDE AND  
SANGITRAO S. PATIL, JJ.**

**DATE : 19TH OCTOBER, 2016**

**ORDER :**

. Heard learned counsel appearing for the Applicant and learned A.P.P. appearing for State.

2. The learned counsel appearing for the Applicant submits that though the prosecutrix (PW-1) stated that she was dragged and then incident had taken place, in fact the said spot of the incident was in a crowded area. It is further submitted that though the F.I.R. was lodged on 27th September 2013, the statement of prosecutrix was recorded on the next day of lodging of the F.I.R. and therefore it creates suspicion about the involvement of the Applicant in the alleged offence. He further submits that the result of D.N.A. Test shows that the Applicant is not the biological father of the child.

3. On the other hand, the learned A.P.P. relies on the findings recorded by the trial Court

and submits that the evidence of prosecutrix alone is sufficient without any corroboration to implicate the applicant. Apart from it, the prosecution has brought on record sufficient evidence and therefore the Application for bail deserves to be rejected.

4. We have heard the learned counsel appearing for the Applicant and learned A.P.P. appearing for the State. With their able assistance, we have perused notes of evidence and in particular evidence of the prosecutrix. At the relevant time, age of the prosecutrix was 14 years. The findings recorded by the trial Court appear to be in consonance with the evidence brought on record by the prosecution. We will not elaborate on the evidence at this stage, since the Appeal filed by the Applicant is pending. Moreover, during the trial the Applicant was not on bail. Suffice it to say that no case is made out for granting the application for bail. The

Criminal Application stands rejected.

5. The Registry of this Court shall send original Record and Proceedings to the Registry of Additional Sessions Judge, Ahmednagar. Upon receiving the original record and proceedings by the Registry of the Additional Sessions Judge, Ahmednagar, the Registry of the Court concerned shall prepare the paper book and send it back along with original record and proceedings, as expeditiously as possible, and preferably within four months from receipt of the original record and proceedings.

**[SANGITRAO S. PATIL, J.]**

**[S.S. SHINDE, J.]**

asb/OCT16