

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.127 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. Aniket Vagal for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 18th October, 2016

P.C.

1) This is an application under Section 439 of the Cr.P.C. for bail in CR No.309 of 2015 dated 27.5.2015 registered with MIDC Police Station, Andheri, Mumbai under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

2) It is the case of the prosecution that the applicant by giving promise of marriage with the victim girl had sexual relationship with her. That, due to the said relations the victim girl namely Snehal Santosh Pevekar remained pregnant and subsequently delivered a baby boy on 27.5.2015. The applicant came to be arrested on 27.5.2015. During the course of investigation the police have received DNA report from the Forensic Science Laboratory regarding the paternity of the said boy and it is

revealed that the applicant is the biological father of the said baby boy and Ms. Snehal Santosh Pevekar gave birth to the said child.

3) The applicant has filed an affidavit dated 7.10.2016 duly affirmed before the Jailor, Grade III, Mumbai Central Prison wherein he has accepted the paternity of the said baby boy and also undertaken to perform marriage with the victim Ms. Snehal Santosh Pevekar after she attains majority. The said affidavit is taken on record and marked "X" for identification. The victim girl i.e. Ms. Snehal Pevekar is personally present in Court. The Investigation Officer has identified her to be the same Ms. Snehal Pevekar. The said Ms. Snehal Pevekar through the learned APP submitted that personally she is residing with the mother of the applicant namely Smt. Bharati Kisan Ingale.

4) In view of the facts mentioned herein above I am inclined to release the applicant on bail, however it is made clear that if the applicant commits the breach of any of the undertakings given to this Court in his affidavit dated 7.10.2016 the prosecution will be entitled to initiate the proceedings for cancellation of his bail.

3) Hence, the following order.

a) The applicant be released on bail in CR No.309/2015 registered with MIDC Police Station, Andheri Mumbai on his furnishing PR bond of Rs.15,000/- with one or more local sureties in the like amount.

- b) In case of breach of any of the undertaking by the applicant to this Court he will be liable for cancellation of his bail.
- c) The applicant shall attend all the dates before the Trial Court.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)