

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 927 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Imran Shaikh for the Applicant.

Mr. Deepak Thakare, 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. 312/2015 dated 28.7.2015 registered with Ghatkopar Police Station, Mumbai under Section 376(2) (F)(J)(I)(N) and 506(2) of the Indian Penal Code and under Section 4 and 6 of the Protection of Children from Sexual Offences Act.

The first information report is lodged by the father of the victim girl who was aged about 13 years at the relevant time. With a view to protect the identity of the victim girl and in consonance with the provisions of Section 228(A) of the Indian Penal Code, the detailed narration of facts mentioned in the present application, the first information report and in the statement of the victim girl are hereby avoided. Suffice it to say that on the basis of the said report lodged by the father of the

victim girl the police have registered the aforesaid crime. The prosecution case in brief is that the applicant was having acquaintance with accused No.1 Gajendra C. Sharma and the present applicant. That when the victim girl had been to her native place at Gorakhpur, U.P. the accused No.1 Gajendra Sharma sexually assaulted her. It is the further case of the prosecution that the present applicant thereafter sexually assaulted the victim girl when she had been to Mumbai.

2. The record reveals that the said victim girl subsequently remained pregnant and delivered a female child. During the course of investigation the police have conducted the DNA test of the said baby child to ascertain its paternity. After completion of investigation the police have submitted charge sheet.

3. The record reveals that as per the Forensic Laboratory report the DNA profile of accused No.1 Gajendra Sharma is matched with the female child of the victim girl and he has been held to be the biological father of the said female child. The report has excluded the possibility of the applicant to be the biological father of female child. In view thereof, the applicant has made out a case for his release on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.312/2015 registered with Ghatkopar Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local

sureties in the like amount.

b) After his release from jail the applicant shall attend the Ghatkopar Police Station on every first Monday of the month between 10.00 a.m. to 12.00 noon.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)