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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1691 OF 2016

Dnyaneshwar Shankar Bagde

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Smt. T.R. Shetty for Applicant.

Mr. Deepak Thakare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 29th September 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.244 of 2015 registered with Oshiwara Estate Police Station, Mumbai now culminated in Sessions Case No.744 of 2015 under Sections 376(2)(f) and 354 of the Indian Penal Code.

2 It is the prosecution case that the applicant being the uncle (husband of aunt) of the victim Miss. Komal Waghmare had sexually assaulted her due to which she became pregnant and delivered a baby-girl. The DNA report pertaining to the said baby-girl is at page 149 of the

present application which mentions that the applicant is excluded to the biological father of the said baby of the victim Miss. Komal Waghmare. The record reveals that the trial pertaining to the Sessions Case No.744 of 2015 has already commenced. That the evidence of the victim Miss. Komal is recorded on 29.8.2016 by the Trial Court. It appears from the deposition of the prosecutrix that she has exonerated the applicant from the alleged sexual assault. It further appears that she has also resiled from his her version given in her statement under Section 164 of Cr. P.C. In view of the same, the applicant has made out a case for his release on bail.

3 Hence, the following Order:

- (i) The applicant be released on bail in CR No.244 of 2015 registered with Oshiwara Estate Police Station, Mumbai now culminated in Sessions Case No.744 of 2015 on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) After his release from the jail, the applicant shall attend the Oshiwara Police Station on every alternate Monday of the month between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.
- (iii) Applicant shall also attend all the dates before the Trial

Court.

(iv) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

4 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)