

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO.404/2016

Dayal @ Dinesh s/o Madukar Sarware

..Versus..

State of Maharashtra, through Police Station Officer, Anjangaon Surji, Distt.
Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 13.5.2016

Heard Shri A.Y. Sharma, advocate appointed to represent the applicant and Ms. Ritu Kaliya, A.P.P. for the non-applicant.

The applicant is arrested on 2nd September, 2014 in crime registered against him for the offence punishable under Section 376(2)(L)(N) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences, Act, 2012.

The accusations against the applicant are that he has committed forcible sexual intercourse with the victim (aged about 21 years) who is of unsound mind.

The learned A.P.P. has made her submissions on the basis of the record available with her. The D.N.A. test has been conducted and its report shows that the applicant is not biological

father of the child born to the victim. The charge-sheet is filed on 27th November, 2014. The non-applicant has not been able to show that the custody of applicant is required for further investigation.

Considering the facts on the record, in my view, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.169/2014 registered by the non-applicant, he be released on bail on furnishing P.R. bond for Rs.20,000/- and one solvent surety in the like amount.
- (ii) The fees of learned advocate appointed to represent the applicant is quantified at Rs.3,000/-.
- (iii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NOS.636/2016 & 637/2016.

In view of disposal of main application, these applications do not survive and are **disposed** accordingly.

JUDGE