

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.1028 OF 2016

(Govind s/o Kishor Sorate ..vs.. State of Maharashtra, through PSO, PS Amgaon, District Gondia)

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

Court's or Judge's orders

Shri Alok Daga, Advocate for applicant,
Shri A.V. Palshikar, Addl.P.P. for non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : 13-12-2016

Accused involved in Crime No.61/2016 registered by Amgaon Police Station, District Gondia for the offence punishable under Sections 376(2)(f)(l)(n) and 417 of Indian Penal Code has applied for bail.

It appears to be the case of prosecution that complainant who is father of prosecutrix aged 29 years and is deaf and dumb, on 10-06-2016 lodged report involving applicant who has sexually assaulted his daughter under the pretext of marrying her till July 2014. It is further case of prosecution that it is when prosecutrix was referred to doctor since she was not keeping well, it revealed that she was carrying pregnancy, during the course of pregnancy and thus report came to be lodged as aforesaid.

Learned Counsel for applicant, in the circumstances, submitted that considering age of

prosecutrix and the case as put forth as aforesaid, it cannot be said that applicant forcibly and without consent of prosecutrix has indulged into sexual intercourse. Learned Additional Public Prosecutor has contended that even according to the DNA report, applicant is found to be biological father of the child borne to prosecutrix on 19-09-2014.

In the background of above circumstances, it is found that as investigation is complete, charge-sheet is also filed and applicant though *prima facie* is found to have indulged in having physical relations with prosecutrix, as it is noted that though complainant from his daughter had knowledge of applicant indulging into such relations with her since December 2013, did not found it necessary to lodge report till June 2016, that is even after prosecutrix giving birth to male child in September 2014, application is liable to be allowed as per order below.

Order

- (i) Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.30,000/- with one surety in the like amount.
- (ii) While on bail, applicant shall not enter territorial jurisdiction of village Amgaon where prosecutrix is residing.
- (iii) Applicant shall reside at Gondia and shall mark his presence with Police Station within whose

jurisdiction he will reside at Gondia and shall produce proof of his residence of that place and shall update the same in the event of change in future.

- (iv) Above conditions shall stand enforce pending trial.

Application is accordingly allowed.

JUDGE

adgokar