

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.957 OF 2017

Mr. Subhash Eknath Sonawane

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mrs. Afshan Gohari, i/by D.C. Awari for the Applicant.

Mr. Ameet Palkar, APP for the Respondent - State.

CORAM : A.S.GADKARI, J.

DATE : 8th DECEMBER 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No.671 of 2016 registered with Wakad Police Station, Pune under Sections 376, 506 of Indian Penal Code and Section 5(J), 2 and 6 of Protection of Children From Sexual Offences Act, 2012.

2. Heard the learned Counsel for the applicant and the learned APP. Perused the charge-sheet.

3. The prosecutrix is a minor i.e. below the age of 18 years, and therefore, with a view to protect her identity and in consonance with the provisions of Section 228(A) of the Indian Penal Code, the detail narration of the facts mentioned in the first information report and in the statement of victim girl are hereby avoided. The first information report is lodged by the mother of victim girl alleging that the two co-accused, namely, Mobin and Subhash who were her neighbors committed rape on her. As the victim girl is below the age of 18 years, the provision of POSCO Act are also applied to the present crime. In her statement to the police, the victim girl apart from the said two co-accused also mentioned the name of another co-accused namely Dashrath (Accused No.3).

4. During the course of investigation, the DNA test on the foetus of the first informant was conducted and the Forensic Lab, Pune has given an opinion that the accused-persons are excluded to be the biological father of Fetus of the first informant.

5. In view thereof, the applicant can be released on bail.

Hence, the following Order:

(I) The applicant be released on bail in C.R.No.671 of 2016 registered Wakad Police Station, Pune, on his furnishing PR Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station on every alternate Monday between 10.00 a.m. to 12.00 noon for a period of six months and thereafter on 1st Monday on every month till conclusion of trial.

(iii) Applicant shall also attend all dates before the Trial Court.

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

6. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)