

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1955 OF 2017**

Jayram Jivan Kumar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rantaneshwar Jha for the Applicant

Mr. R. M. Pethe, A.P.P for the Respondent-State

PSI Mr. Ashok R. Sawant from Juhu Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 31st AUGUST, 2017

P.C. :

1. Learned Counsel for the applicant seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.

2. Heard learned Counsel for the parties.

3. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 378 of 2017 registered with the Juhu Police Station, for the alleged offences punishable under Sections 376(2)(f)(i), 506(2) of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

4. Learned Counsel for the applicant states that there are discrepancies in the statements of the prosecutrix, aged 15 years and her mother i.e. the complainant. He submitted that the applicant is in custody for more than 1½ months and that investigation is complete and charge-sheet is filed.

5. Learned A.P.P opposed the application. He has tendered a copy of the DNA report.

6. Perused the papers, in particular, the statement of the prosecutrix. The prosecutrix is about 15 years of age and the applicant, aged 24 years, is her maternal uncle. She has alleged that on 4th July, 2016, as she was unwell, she was taken to the doctor and her urine was sent for examination. On 6th July, 2016, the doctor disclosed that she was 9½ weeks pregnant. Pursuant thereto, she disclosed the incident to her mother, that the applicant had sexually assaulted her. Accordingly, the prosecutrix's mother lodged the aforesaid complaint. The DNA report shows that the applicant is the biological father of the child.

7. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Application is accordingly rejected.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.