

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2090 OF 2017

Rupesh B.Shinde and anr. vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ganesh Gole i/by Ritesh Ratham for the Applicant.

Mr. Prashant Jadhav, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 5th October, 2017.

P.C.

1. This is an application for bail under Section 439 of the Cr.P.C. in CR No. 63 of 2016 dated 31.3.2016 registered with Shahapur Police Station, District Kolhapur under Sections 376D, 2(i), 354(D), 506 read with 34 of the Indian Penal Code and under Section 4 and 12 of the Protection of Children From Sexual Offences Act.

2. It is the case of the prosecution that the applicants committed an offence under Section 376D of the Indian Penal Code against the first informant who was aged about 13 years at the relevant time. That, due to the said act of the applicants the victim girl became pregnant and has subsequently delivered a baby boy.

3. The record indicates that during the course of investigation the applicants denied of committed any offence and also the paternity of the said child and therefore, the investigating agency conducted DNA test of the applicants, victim girl and the

baby child at Forensic Science Laboratory, Pune. The Forensic Science Laboratory by its report dated 26.4.2017 has opined that, victim girl is concluded to be biological mother of the baby child however, has excluded the applicants to be the biological father of the said child. Prima facie it appears that the contention of the first informant and the prosecution case is not supported by the said report dated 26.4.2017. In view of the same the applicants can be released on bail.

4. Hence, the following order.

a) The applicants be released on bail in CR No. 63 of 2016 dated 31.3.2016 registered with Shahapur Police Station, District Kolhapur on their furnishing PR bond of Rs.25,000/-each with one or two solvent local sureties in the like amount.

b) After their release from Jail the applicant shall attend the concerned police station on every first and third Monday of the month between 11.00 a.m. to 2.00 p.m.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

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

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)