

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLIATIOIN (BA) NO.97 OF 2017.

Nandkishor Santosh Wadhai

..VS..

The State of Mah.thr.PSO,P.S.Durgapur, Distt.Chandrapur.

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

Mr.Sachin Zoting, Adv. for the applicant.

Mr.N.B.Jawade, APP for the State.

CORAM : P.N. DESHMUKH, J.

DATE : 17th MARCH, 2017.

1. This application is filed for grant of bail by accused involved in Crime No.264 of 2016, registered at Police Station Durgapur, Chandrapur for the offence punishable under Section 376(2)(i)(j)(n) of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

During the course of hearing, learned counsel for the applicant submitted that applicant is a student and is in jail for last more than six months and thus prayed that if the trial is expedited, application may not be considered on merits. It is also submitted that from the say of police filed before the learned Sessions Court, prosecutrix is stated to be detected as HIV positive.

Learned Additional Public Prosecutor has submitted that from the DNA Test Report, applicant is found biological

father of child born to prosecutrix.

Considering the facts as aforesaid, and since charge-sheet is stated to be filed on 19th November, 2016, following order is passed in the interest of justice.

Application is rejected. However, learned Sessions Court whosoever is seized with the Special Case arising out of Crime No.264 of 2016 shall make an endeavour to dispose of same within three months from framing of charge.

Needless to say that in the event trial is not concluded as aforesaid, applicant shall be at liberty to move afresh for bail after lapse of three months from framing of charge.

JUDGE

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