IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2823 OF 2017

Mr. Baburam Jogendranath Mandal … **Applicant**

V/s.

The State of Maharashtra … **Respondent**

Ms. Falguni Brahmbhatt for the Applicant.
Mr. Ameet Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 12th JANUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 155 of 2017 dated 24.04.2017 registered with Kurar Police Station, Mumbai under Sections 376(D) and 506 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

2 The first information report is lodged by Ms. Dhwani Joshi, who was aged about 17 years and 7 months on the date of registration of offence.

3 It is the prosecution case in nutshell that, the Applicant and other accused persons by taking undue advantage of the situation from March to September 2016 committed offence as contemplated under Section 376(D) of the Indian Penal Code against the first informant and therefore, the first informant got pregnant due to the same. The record indicates that the first informant

subsequently gave birth to the female child. The Investigating Agency has conducted DNA test of the said child in comparison with the body fluids/blood sample of the first informant, co-accused Jagannath Panda and Applicant Baburam Mandal. The DNA Analysis report given by the Assistant Chemical Analyzer, FSL, Mumbai mentions that DNA profile of the Applicant with the said baby child does not match and obligate paternal alleles of the Applicant.

4 In view thereof, Applicant can be release on bail.

Hence, the following order:

i) Applicant be released on bail in C.R. No. 155 of 2017 dated 24.04.2017 registered with Kurar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend Kurar Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

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

iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)