

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. 212 of 2018

Kawadu v. State of Maharashtra

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

Court's or Judge's orders

Shri M. Hussain, Advocate for applicant
Shri Harshal Dube, APP for respondent

CORAM : S. B. Shukre, J

DATE : 19.3.2018

Issue notice to the respondent-State. Shri Harshal Dube, learned APP waives notice for respondent-State. He seeks leave of the Court to place on record reply of the prosecution. Leave is granted. Reply is taken on record.

Heard. It is seen that the DNA report is clearly in favour of the applicant. It says that in the opinion of the chemical analyzer, this applicant is excluded to be the biological father of the child Bali that the prosecutrix is alleged to have begotten from the applicant. The prosecutrix was aged about 17 years when the physical relationship developed. It is also seen that the intimacy, according to the allegations made by the prosecutrix, continued till it was noticed by her that she was carrying. Now, such pregnancy and delivery of the child, as per the DNA report do not show any prima facie connection with this applicant. The applicant is in jail since 4.4.2017 and charge-sheet has also been filed long back. In these circumstances, I am of the view that the applicant is now entitled to be released on bail.

Application is allowed and it is directed that the applicant be released on bail in Crime No. 57/2017

registered with Police Station, Wadki for the offences punishable under Section 376 (2) (f) (i) (i) (n) of the Indian Penal Code and Section 4 of the POCSO Act on his furnishing PR Bond of Rs. 15,000/- together with one solvent surety in the like sum, on the following conditions :

- (1) Applicant shall attend the trial Court on all dates fixed in the matter.
- (2) Applicant shall cooperate with the trial Court for expeditious disposal of the case.
- (3) Applicant shall not tamper with the prosecution evidence in any manner.

Disposed of.

JUDGE

joshi