

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

Criminal Application (BA) No. 848/2018

Nitesh Lokchand Bahekar V/s State of Maharashtra, Thr. PSO, PS Salekasa, Dist. Gondia

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

Court's or Judge's orders

CORAM : M.G. Giratkar, J

DATE : 23.10.2018.

Heard Shri R.V. Khaparde, learned Counsel for
the applicant and Shri S.S. Doifode, learned Additional
Public Prosecutor for the Non-applicant/ State.

The applicant is arrested by Police Station for
the offences punishable under Sections 376 (2) (i) (n),
506 of the Indian Penal Code read with Sections 4 and 6
of the Prevention of Children from Sexual Offences Act,
2012 (POCSO). When the matter was heard by this Court
on 21st September 2018, this Court has directed to
produce DNA report. Today, the learned Counsel for the
applicant has pointed out Pursis Stamp No. 5014/2018
and alongwith this Pursis, DNA Report is filed. It shows
that the applicant is not the biological father of male child
born to the complainant. Therefore, he prayed for grant of
bail.

Shri S.S. Doifode, the learned Additional Public
Prosecutor has not disputed the report of DNA. The
learned Additional Public Prosecutor has submitted that
DNA report is already filed before the Sessions Court. The

applicant received the copy and filed the same alongwith this Pursis. The main allegation against the applicant is in respect of committing sexual intercourse with the complainant. It is the allegation in the complaint that due to sexual intercourse by the applicant, she become pregnant and delivered a male child on 14th March 2018.

As per the DNA report, the applicant is not the biological father of the male child born to the complainant. Looking to the DNA report, the applicant is entitled for bail.

Hence, the following order:-

- i] The application is allowed.
- ii] The applicant be released on bail on furnishing PR/SB in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iii] The Bail bond before the trial Court.
- iv] The applicant shall not tamper the evidence of the prosecution witnesses and the applicant shall not leave the jurisdiction of the trial Court without prior permission.

JUDGE