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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2475 OF 2018

Raghunath @ Bahuso Bajirao Patil ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Sameer S. Kadam i/b. Mr.Nilesh S.Patil for the applicant.

Smt. J.S. Lohokare, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 24, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. The applicant came to be arrested on May 13, 2018 and was charge-sheeted in crime No.230/2018 for offence punishable under sections 376(2)(n) of the Indian Penal Code and sections 4, 5(L), 5(J), (2)(8) of the Protection of Children from Sexual Offences Act (POCSO Act) registered with Islampur police station, District Sangli.

3. During the investigation, the report of DNA was

received from the Forensic Science Laboratory, Pune, wherein the DNA of the fetus is certified to be of the victim. Whereas, the DNA of the applicant is excluded to be biological father of the fetus.

4. As such, the involvement of the applicant in the crime in question is based on the statement of the victim girl. In the wake of above, presumption of the applicant being involved in the crime in question cannot be drawn. As such, the applicant deserves to be released on bail. Hence the order :-

- i) The applicant be released on bail in Crime No.230/2018 for offence punishable under sections 376(2)(n) of the Indian Penal Code and sections 4, 5(L), 5(J), (2)(8) of the Protection of Children from Sexual Offences Act (POCSO Act) registered with Islampur police station, District Sangli, upon furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount;
- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)