

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 601 OF 2019

Ramu s/o Gopal Bhui .Vs. State of Maharashtra through P.S.O. P.S. Wadi,
Nagpur(City), Nagpur.

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

Court's or Judge's orders.

Mr. S.I. Khan, Advocate for applicant.
Mr. V.A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 09, 2019

Mr. Thakare, learned Additional Public Prosecutor placed on record the DNA report, which is taken on record and marked as Exhibit "X" for the purpose of identification.

Heard Mr. Khan, learned counsel for applicant and Mr. Thakare, learned Additional Public Prosecutor for non applicant-State. Also perused the charge-sheet.

The applicant is arrested in connection with Crime No.43/2019 registered with Police Station, Wadi, Nagpur for an offence punishable under Sections 376(2)(f)(j)(l)(n), 376(d), 506 read with Section 34 of the Indian Penal Code and under Sections 4, 5(2), 6 and 7 of the Social Boycott Act, on the basis of report lodged by mother of the victim.

The report is lodged by Sau. Manju Reddy, mother of the victim. According to the prosecution, she is mentally retarded. Allegations in the prosecution case are against the applicant and one Vyankatesh. The victim girl was pregnant and ultimately she delivered a baby. The DNA report shows that the applicant is not putative father of the baby girl of victim however co-accused Vyankatesh is the putative father of the baby girl of victim.

Since, the investigation is over and charge-sheet is already filed and scientific evidence not only absolves the applicant but also shows that the father of the girl is co-accused Vyankatesh, in my view, therefore, applicant need not continue his further custodial presence. Consequently, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant- Rama s/o Gopal Bhui, be released on bail in connection with Crime No.43/2019 registered with Police Station, Wadi, Nagpur for an offence punishable under Sections 376(2)(f)(j)(l)(n), 376(d), 506 read with Section 34 of the Indian Penal Code and under Sections 4, 5(2), 6 and 7 of the Social Boycott Act, on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (iii) Applicant is directed to attend Police Station, Wadi, Nagpur twice a month, until culmination of trial.

The application is disposed of.

JUDGE

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