

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

CRIMINAL APPLICATION (BA) NO. 703 OF 2020

(Roshan s/o Sudhakar Borule ..vs.. State of Maharashtra, through PSO, PS Rajura)

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

Court's or Judge's orders

Mr. A.S. Ambatkar, Counsel for the applicant,
Mr. J.Y. Ghurde, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 29-10-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant, who is in custody since 01-1-2020 in connection with Crime 3/2020 registered with Rajura Police Station, District Chandrapur for offences punishable under Sections 376(2)(n), 376(2)(j) and 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, is seeking regular bail.

4. The report is lodged by Ms. L who was then aged 16 years. The gist of the report dated 01-1-2020 is that she and the applicant were in a relationship. The applicant declared that he loved Ms. L and would marry

her. Believing the applicant, the informant-Ms. L consented to sexual relationship. Ms. L conceived. The applicant asked her to give birth to the child and not to abort. However, later on, the applicant refused to marry Ms. L. Ms. L delivered the child and the DNA Profile was sent to the Forensic Lab for establishing the paternity.

5. The previous application seeking bail was permitted to be withdrawn with liberty to approach this Court again after the receipt of the DNA report.

6. The DNA report is received which is to the effect that the applicant is not the biological father of the child born to Ms. L.

7. Considering the broad circumstances, the fact that the applicant is not a flight risk and that there are no criminal antecedents, the applicant is entitled to bail.

8. The application is allowed.

9. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount. Considering the prevailing circumstances, the surety may be furnished within four weeks of the release.

10. The applicant shall not make any attempt to

tamper with the evidence or to influence witnesses, directly or indirectly.

11. The applicant shall attend each date of hearing scrupulously.

12. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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Prafulla
Adgokar

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by Prafulla
Adgokar
Date:
2020.10.29
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