

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

Criminal Application (ABA) of 2020 (LD-VC No. 201 of 2020)

[Santosh Limbaji Pote Vs. State of Maharashtra through P.S.O., P.S. Pusad Rural, Dist. Yavatmal]

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. N. Ali, Advocate for the applicant
Shri A. V. Palshikar, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 29/06/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Mir Nagman Ali for the applicant and learned Additional Public Prosecutor Shri Palshikar for the State.

3. Perused the report and affidavit filed by the applicant at page number 18 of the compilation. It appears that the applicant and complainant executed agreement that they are husband and wife and they performed marriage without the consent of father of the applicant. Learned Advocate Shri Ali has submitted that the applicant is not denying the paternity of the child conceived by the complainant. From the report it appears that the complainant stated that the applicant did sexual intercourse with her under the promise of marriage but not performed the marriage. From the perusal of agreement executed by the complainant and applicant, it

is clear that they have performed the marriage without the consent of parents of the applicant. Learned Advocate Shri Ali has submitted that the applicant is ready to give blood sample and semen for DNA profile.

4. The application is strongly opposed by learned Additional Public Prosecutor Shri Palshikar.

5. As per the statement made by learned Advocate Shri Ali, the applicant is ready to give blood sample and semen for DNA profile, hence, interim bail granted on 29-5-2020 is hereby confirmed on following conditions.

(i) The applicant shall remain present in Police Station, Pusad Rural, District Yavatmal once in a week i.e. on every Sunday in between 10.00 a.m. to 5.00 p.m. until further order and shall cooperate the Investigating Agency..

(ii) The applicant shall give blood sample and semen sample for DNA profile.

(iii) Breach of any condition amounts to cancellation of bail.

6. The application is disposed of.

7. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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