

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 783 OF 2020

Pravin Vilas Gadhave	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr. Aniket U. Nikam i/b Vivek N. Arote for the applicant.
Mr. Pankaj P. Deokar for respondent no.2.
Mr. Ajay Patil, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 29th JULY 2021

P.C:-

1 The applicant, a young boy aged 23 years is charge-sheeted in C.R.No. 792 of 2018 registered with Loni Kalbhor police station for the offence punishable under Section 376(2)(i) (j) of IPC and Section 3, 4, 5(j)(2), 6 of POCSO Act. His application filed before the Special Court since rejected, he has approached this Court.

2 The C.R came to be registered on a complaint instituted by the father of the victim girl aged 15 years who was prosecuting her studies in 8th Standard. On 16th October 2018, when she was taken to the doctor since she was taken ill, it was

expressed that she was suffering from jaundice. On the advise of a lady in the neighborhood, she was taken to a place where the medicine is administered for treating jaundice. The said person, checked her pulse and opined that the girl was pregnant and she should be taken to the hospital. She was taken to the hospital and the parents of the victim girl inquired from her as to who is responsible for impregnating her, but she did not divulge name of any person but kept on apologizing to the parents. In the night, when the entire family went to sleep, the victim girl was found unconscious in the bedroom and when she was taken to the hospital, she was declared dead.

3 This resulted in registration of FIR against some unknown persons who had impregnated his daughter, aged 15 years and she was found to be 5 months pregnant. The offence is registered under Section 376(2)(i)(j) on the basis of supplementary statement of the complainant recorded on 25th October 2018 when on garnering information from his other son and daughter who had named three accused persons which included the present applicant, Pravin.

4 During the course of investigation, the statement of the mother, the persons in the neighborhood and two siblings of the victim girl are recorded. The younger sibling of the victim aged 10 years depose that after the parents left for market on

Sunday, three accused persons used to visit their house and they were residing in the building in their neighborhood. When asked what they used to do after coming in the house, the witness state that after the parents visited the weekly market, one of the person , out of the three named persons used to come and sed to make him watch Television in the T.V. room and along with the victim girl, he used to be in the bedroom and used to shut the door from inside. When asked where is his sister, he state that she is dead. The statement of another sibling is on the similar lines.

5 The post mortem report refer to contusion and abrasion in Column no.17 on the forearm and knee. The report also record of presence of foetus in the uterus. The viscera came to be preserved for histopathological examination and the samples of Maternal sternal bone and Foetal sternal bone were preserved for DNA analysis.

 The report of the Forensic Science Laboratory is received and it report that the chemical testing do not reveal any poison in the viscera or the blood of the victim girl. About the DNA analysis, the report is forwarded to the Investigating Officer by the Regional Forensic Science Laboratory on 29th June 2019. The said report, on the genetic analysis opine that the victim and the accused no.1 are the biological parents of the Foetal sternal bone of the victim. The said report exclude the applicant to be the biological father.

6 In the wake of the said report and on perusal of the statement of the two siblings of the victim who state that out of the three accused persons, one person used to take their sister in the bedroom when the parents were out, thereby implicating only one of the accused and this version is corroborated by the report of DNA analysis.

7 In light of the aforesaid circumstances emerging on record, the applicant is entitled to be released on bail, awaiting his trial for the alleged offences. Hence, the following order :-

ORDER

- (a) The Applicant – Pravin Vilas Gadhave in connection with C.R.No. 792 of 2018 registered with Loni Kalbhor Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

(d) The Applicant shall not establish any contact with the family of the victim girl.

8 The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J