

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2046 OF 2019

Arjun Savjibhai Sitapara	..Applicant
V/s.	
The State of Maharashtra	..Respondent

None for the Applicant.
Ms. M. M. Deshmukh, APP for the Respondent / State.
PI Kalange, Sahar Police Station present.

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**CORAM : C. V. BHADANG, J.
DATE : 7 AUGUST 2021**

P.C.

. Although there is no appearance on behalf of the Applicant, this Application can be disposed of in view of the submissions of the learned APP.

2. The Applicant apprehending arrest in connection with investigation of Crime No.243/2019 of Sahar Police Station, Mumbai under Section 376 of IPC, is seeking anticipatory bail.

3. A perusal of the complaint lodged by the prosecutrix shows that she was aged about 27 years on the date of the incident.

Prima facie, it appears that the prosecutrix and the Applicant got acquainted on a social platform and thereafter, exchanged their mobile numbers. It is the material allegation that on 28 April 2019, the Applicant called up the prosecutrix inviting her for his birthday party and accordingly, the prosecutrix went to Hotel Lalit in Room No.320 where it is alleged that the Applicant had administered an intoxicant to the prosecutrix and thereafter had forcible sexual intercourse with her. It is alleged that even subsequent to this, on 30 May 2019 and thereafter on two to three occasions, the Applicant had sexual intercourse with the prosecutrix on account of which the prosecutrix got pregnant and has delivered a child.

4. The record discloses that interim protection was granted to the Applicant on 24 September 2019 on condition of attendance. Subsequently, the matter was adjourned as the DNA profiling was done to find out whether the Applicant is the biological father of the child.

5. Learned APP has today tendered a reply dated 28 November 2019 alongwith report of the DNA analysis which is dated 27 November 2019 which shows that the Applicant is not shown to be the biological father of the child. Learned APP, on instructions from the Investigating Officer Mr. Kalange who is

stated to be present in the Court, states that the investigation is complete and the chargesheet is ready to be filed.

6. Considering the over all circumstances and having regard to the report of the DNA analysis and the fact that the interim protection is operating for close to two years, in my considered view, the same can be confirmed.

7. In the result, the Criminal Application is disposed of in terms of the order dated 24 September 2019 subject to the condition that the Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

(C. V. BHADANG, J.)