

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1005 OF 2022

Mayur Mohan Kaute	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. Vinod Y. Bhide, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent No.1 – State
Ms Manisha Dalave, Advocate (appointed) for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 19th SEPTEMBER, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0032/2022, registered at Ghargaon Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(I)(N), 506 of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the father of the victim on 15.02.2022. The victim was not keeping well. She was therefore medically screened on 12.02.2022. The victim was found pregnant of three months. She attributed the applicant to be the author of her pregnancy. But, it was later on found it to be a case of advance stage of pregnancy i.e. about 28 weeks. The victim then delivered a female baby. Blood samples of the applicant, victim and that of the newborn were obtained for DNA profiling. The DNA report has now been received. The DNA report rules out the applicant to be the biological father of the newborn.

3. The learned Advocate for the victim would submit that relying on the victim's statement, the applicant be denied bail. The same cannot be accepted in view of the DNA report, ruling out the applicant to be the biological father of the newborn.

These are the observations for deciding the present application. The trial Court shall not be influenced thereby.

4. The applicant has been in jail for the little over seven months. It will take time for commencement and conclusion of trial. This Court is inclined to grant the applicant, bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0032/2022, registered at Ghargaon Police Station, District Ahmednagar, for the offences punishable under Sections 376(2)(I)(N), 506 of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences (POCSO) Act, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) Fees of learned Advocate Ms Manisha Dalave (appointed) is quantified at Rs.6,000/- (Rupees Six Thousand).

[R. G. AVACHAT, J.]