

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

BAIL APPLICATION NO.1409 OF 2022

Vikas Vijay Sunkurwar

..Applicant

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.S.J.Salunke, Advocate for applicant

Mr.V.S.Badakh, APP for respondent no.1

Ms.Nidhi Gadekar, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 16, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.082 of 2022 registered with Kinwat Police Station, Dist.Nanded.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the victim herself on 07.05.2022. It is her case that she was 14 years of age at the relevant time. The applicant is a medical practitioner. The informant/victim and her mother would serve as maidservants at the

residence of the applicant and the clinic as well. It is her case that during the period from November, 2021 to March, 2022, the applicant had sexual intercourse with her many a time. As a result, she conceived and the child is stillborn. On investigation, charge sheet has been filed.

4. Learned APP and learned counsel (appointed) for respondent no.2-informant would submit that it is a serious offence. The informant was below 14 years of age at the relevant time. Her version cannot be disbelieved at this stage. If the applicant is granted bail, there is every possibility of him influencing the witnesses and extending threats to the informant as well. They, therefore, urged for rejection of the application.

5. As per the FIR, last such alleged incident took place in March, 2022. The FIR has been lodged on 07.05.2022. As such, there is delay of one and half months in filing the FIR. To top it, the D.N.A. report rules out the applicant to be the biological father of the stillborn. In view thereof, the application deserves to be allowed.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.082 of 2022 registered with Kinwat Police Station, Dist.Nanded, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP