

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2798 OF 2021

Gaurav Chaudhary	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Advait Tamhankar a/w Taraq Sayed for the Applicant.

Smt.A.A. Takalkar, APP for the State.

PSI Chavan, MIDC Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 19th OCTOBER, 2022.

P.C.

1] The learned APP has produced on record clarification offered by the Department of Obstetrics and Gynaecology as regards DNA analysis report which was placed before me on the last date of hearing.

The result of analysis reveal that the DNA profile of the product of conception of the victim girl compared with her blood sample is identical and appear to be from one and same source of female origin and therefore product of conception was found unsuitable for establishing paternity analysis.

2] It was not clear how it would have happened and therefore further explanation was called for. A team of doctors have now clarified that it is quite possible that during the MTP procedure when the cervical was opened, there was minimal bleeding and the patient

would have inadvertently passed the product of conception before the procedure and therefore, what was collected was a sample of blood of the female herself and no trace of conception was recovered since the product of conception has mixed with blood sample of victim.

I find this explanation to be satisfactory.

(3) I have once again diverted my attention to the facts of the case. But I am unable to pursue my mindset to release the Applicant on bail despite the arguments of the learned counsel for the Applicant that he was aged 20 years when the offence was committed. He, however, remind me of the fact that the girl was 13 years old and whether she has consented or not, the offence under the POCSO is also committed. Therefore, I am not inclined to entertain the Application. However, considering the fact that the Applicant is a young boy who came to be arrested on 19.03.2021, I deem it appropriate to request the POCSO Court seized of the Special Case No.194/2021 to expedite the trial and to frame charge within a period of 3 months from today and conclude the trial preferably within a period of one year thereafter.

With the aforesaid directions, Application is disposed off.

[BHARATI DANGRE, J]