

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 516 OF 2022

Tanvir Shaha Gulam Shaha .Vs. State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.Rai, counsel for the applicant.

Shri S.D.Sirpurkar, APP for the non-applicant No.1.

CORAM : ANIL S. KILOR, J.

DATED : 23/11/2022

1. Heard.
2. The applicant is seeking bail in connection with Crime No. 532/2021 registered with Police Station Talegaon, District-Wardha for the offences punishable under Sections 376(2)(n), 323 and 506 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. In this case, the victim aged 16 years lodged a report with PSO Talegaon (Shamji Pant) on 24/11/2021 alleging that she is the student of 10th Class and is attending tuition classes of the accused persons namely; Rahul Bharti and on the pretext of checking the note books, he used to touch the victim and when he found any mistake in the study then he used to beat her.
4. In this case, it is alleged that on 09/09/2021, the victim went to the tuition class, as she was not having knowledge that, there is holiday, then she noticed that

nobody was present in the class and the said accused Rahul Bharti came near to her and started touching her and thereafter the said teacher Rahul committed physical relationship with her by lying her on the ground and threatened her not to disclose to anybody.

5. It is further alleged that, on 12/09/2021, the victim did not appear for the examination and she was called for the same on the other day and the accused Rahul again committed physical relationship with the victim and due to the repeated relationship the victim became pregnant and she was taken to the hospital then came to know that she is pregnant and on 22/11/2021, she was admitted in the Sevagram Hospital and while the treatment, the report was lodged stating that, the accused Rahul Bharti has committed physical relationship with her and due to which she became pregnant and thus committed an offence of rape. Subsequently she has alleged that the applicant also committed rape.

6. In the above backdrop, the contentions of the learned counsel for the applicant that, the DNA Report is not reliable, as it was manipulated by the relatives of the accused-1, cannot be accepted at this stage while considering the prayer of the applicant for grant of bail.

7. The DNA Report supports the case of the prosecution against the applicant and as far as the dispute about its genuineness is concerned, it is a matter of trial. In that view of the matter, considering the serious allegations

and the prima-facie evidence available against the applicant, I am not inclined to grant bail. Hence, I pass the following order:

The criminal application is **rejected**.

JUDGE