

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPA) NO.456 OF 2022
IN
CRIMINAL APPEAL NO.379 OF 2022.

(Sanket Suresh Raut ..**Vs.** State of Maharashtra and Anr)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri C. B. Barve, Advocate for Applicant/Appellant.
Ms M. H. Deshmukh, APP for the Respondent no.1/State.
Shri P. Shukla, Advocate for the Respondent no.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 11th JULY, 2022.

. Heard Ms M. H. Deshmukh, learned Additional Public Prosecutor for the Respondent no.1/State and Shri Shukla, learned Counsel for the Respondent no.2.

2. The Applicant/Appellant has been convicted of the offence punishable under Section 376(f)(n) of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for a period of ten years and to pay a fine of Rs.5,000/- (Five Thousand Only), and in default to suffer further rigorous imprisonment for three months.

3. The victim had given birth to a male child, which was alleged to be that of the Appellant. The impugned judgment in Para 29 (Page 25) records that the DNA report indicates, that the Appellant is not the biological father of the baby in question, which puts the question mark upon the parentage, considering the nature of the allegations made. Apart from that the only evidence on record is the evidence of PW-1 victim, however, considering the fact that the DNA report speaks otherwise, a *prima facie* case for grant of bail is made out, hence, the following order :

ORDER

- i) Criminal application is **allowed**. The sentence imposed by the learned Trial Court is hereby suspended.
- ii) The Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- (Fifty Thousand Only) with two solvent sureties of the like amount.

JUDGE

TAMBE.

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