

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1747 OF 2022

Mohammed Mubarak Hussain

Allauddin Miya

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Ms. Shabana M. A. Syed - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent-State

Mr. Prashant P. Jadhav – Advocate for Respondent No. 2.

API Rajendra Chandankar – Kashmiri Police Station

CORAM : S. M. MODAK, J.

DATE : 04th JULY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP and learned Advocate for the Respondent No. 2 who is natural mother of the victim. The present Applicant is father of the victim. There is an allegation that the present Applicant had sexual intercourse with the daughter on more than one occasion. The mother claims that no such incident has taken place as stated to her by daughter. At the relevant time the mother was not staying with her husband. Whereas Applicant has married on second occasion

with one Sandhya devi. The mother is saying that at the instance of this Sandhya, this false F.I.R. is filed and in fact the said Sandhya ran away with all the ornaments and the brother of the present Applicant has filed complaint with Commissioner of Police is at page no. 189.

2. Learned APP submitted that there is medical evidence and the incident is repeated.

3. There is grievance raised that yet the DNA report are not supplied. My attention is invited to the various roznamas of the trial Court from page no. 204 to page no. 208. It is true that those reports are not submitted. It also appears that charge is not yet framed. Learned APP assures that they will expedite the analysis.

4. In view of that, that analysis be expedited and let the trial court to frame charges. If those papers are not furnished within a period of six months from today, then the Applicant is at liberty to apply again for bail. With these observations the application is disposed of.

[S. M. MODAK, J.]