

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

**INTERIM APPLICATION NO. 3936 OF 2023
IN
CRIMINAL APPEAL NO. 274 OF 2024**

Maruti Shankar Zore

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Pranot P. Pawar (through V.C.) for Applicant.
Smt. M. R. Tidke, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 21 JUNE 2024**

PC :

1. This is an application for bail pending appeal. The applicant has challenged the Judgment and order dated 05.06.2023 passed by Extra Joint District Judge and Additional Sessions Judge, Sangli, in Special Case (POCSO) No.261 of 2020. The applicant was convicted for commission of offences punishable under sections 376(3) and 376(2)(f), (n) of the I.P.C. and U/s.6 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act'). He was sentenced to suffer R.I. for 30 years and to

pay a fine of Rs.10000/- and in default to suffer R.I. for one year.

2. The case of the prosecution is that the applicant was stepfather of the victim. He committed forcible sexual intercourse with her repeatedly making her pregnant. She was taken to a hospital for termination of pregnancy. In the diagnostic center, pregnancy was confirmed. Then she was admitted to Civil Hospital. Initially, she had named somebody else about the incident, but subsequently, she told her mother that the applicant had committed that act. Thereafter the F.I.R. was lodged. The investigation was carried out and the applicant was convicted and sentenced as mentioned earlier.

3. Learned counsel for the applicant submitted that the victim had initially named somebody else, therefore, she was not reliable. The D.N.A. report cannot be relied on. There is irregularity in taking samples for the purpose of D.N.A. testing. Therefore, the applicant should be granted bail.

4. Learned APP opposed these submissions based on the evidence of the victim and the D.N.A. report.

5. I have considered these submissions in the light of discussion made in the Judgment. The victim was examined as PW-1. She has stated that her date of birth was in the year 2006. The birth certificate was procured by the investigating officer and was produced on record. According to the birth certificate her date of birth was 03.02.2006. The incident occurred in May 2020. That time she was around 15 years of age. She became pregnant. The applicant took her to a Medical Officer. Her pregnancy was confirmed. The doctor in the diagnostic center informed the police about her pregnancy as she was a minor. Initially, she named another person, but after she was taken in confidence, she revealed the name of the present applicant. The D.N.A. profiling of the victim, the product of conception and the present applicant were taken. The D.N.A. report shows that D.N.A. of the victim and the present applicant matched with the product of conception and the victim and the present applicant were the biological parents of the product of conception. Thus, there is sufficiently strong material against the present applicant. The offence is very serious. The sentence is for 30 years.

6. Considering all these aspects, I am not inclined to grant bail to the applicant pending his Appeal. Therefore, the application is rejected.

(SARANG V. KOTWAL, J.)