

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

ANTICIPATORY BAIL APPLICATION NO. 1689/2024

OMKAR BHAUSAHEB IRALE ..APPLICANT
VS.
STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Sandeep Koregave for applicant.

Mr. A. A. Palkar, APP for State.

Adv. Sneha B. Pandey for respondent no.1, appointed through Legal Aid Panel.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 15, 2025.

P.C. :

1. By an order dated 3/7/2024, the present applicant is protected. For ease of reference, the said order is reproduced herein below:-

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0020 of 2024 dated 20.01.2024 registered at Police Station Kawathe-Mahankal, District Sangli for offences under Sections 376, 376(2)(j) and 376(2)(l) of the Indian Penal Code, 1860.

3. The learned counsel for the applicant submits that in the first instance, the name of the applicant is not even mentioned by the informant, who is the mother of the victim, as a person responsible for the act in question. In this case, the allegation is that the victim, who is a 42 year old mentally challenged daughter of the informant, was found to be pregnant and after persistent enquiries, she revealed the name of Panda More as the person responsible for her pregnancy. This led to registration

of FIR.

4. Subsequently, the victim gave a statement during the course of investigation, naming the applicant also as a person, who used to indulge in physical intimacy with her. There is also a statement of a psychologist, who has stated that apart from the said Panda More, the victim had named other persons, including the applicant, as one of the persons, who used to indulge in physical intimacy with the victim.

5. This Court is informed that the named accused Panda More has been granted regular bail.

6. The learned APP submits that today, the Investigating Officer is not available and that it would be necessary to secure custody of the applicant, in order to conduct his medical examination and to collect blood samples, etc. for carrying out DNA test as the victim has given birth to a child.

7. This Court is of the opinion that in the first instance, the informant did not name the applicant as one of the accused persons. His name has subsequently featured. Nevertheless, it would be necessary for the applicant to co-operate with the investigation, including giving blood samples, etc. In this situation, it would appropriate to issue notice to respondent No.2 (informant) and in the meanwhile, appropriate directions can be issued for the applicant to co-operate with the investigation, while granting interim relief till the next date of listing.

8. In view of the above, issue notice to respondent No.2, returnable on 22.07.2024. The Investigating Officer shall serve respondent No.2 for which, the applicant shall provide an additional set of papers to the Investigating Officer.

9. In the meanwhile, the following the interim order is passed:

(i) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0020 of 2024 dated 20.01.2024 registered at Police Station Kawathe-Mahankal, District Sangli, he shall be released on bail on furnishing PR Bond of 50,000/- (Rupees Fifty Thousand ₹ only) and one or two sureties in the like amount to the satisfaction of the trial Court;

(ii) the applicant shall remain present before the Investigating Officer on 05.07.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present;

(iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

(iv) the applicant shall co-operate with the investigation, including giving blood samples, etc.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. List on 22.07.2024.

2. The learned APP now submitted the copy of the examination report of the Regional Forensic Science Laboratory, State of Maharashtra, Home Department dated 4/4/2025. After perusal of the opinion of the said examination report, it has been concluded that the accused Pandurang Bandu More is the biological father of the victim's baby. As far as present applicant is concerned, it is opined that he is excluded to be the biological father of the victim's baby.

3. Taking into consideration the fact that there are no criminal antecedents reported against the present applicant, he is 25 years of age, his name was added in the FIR only after two remands on the statement of the victim and the fact that the examination report of Regional Forensic Science Laboratory has excluded his name, as of now the custody of the present applicant is not needed as the applicant has assured that he will cooperate with the investigation. Hence, the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with FIR No.0020/2024 registered with the Kawathe-Mahankal Police Station, District Sangli, the applicant shall be released on bail, on furnishing PR. bond to the

extent of Rs.30,000/- with one or two sureties of the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.

(e) The applicant shall attend the concerned police station and meet the IO on every Monday between 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet.

4. Needless to say that violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

5. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)