

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1604 of 2025**

Suraj Suresh Gamre

... Petitioner

versus

The State of Maharashtra

.... Respondent

Mr. Arun Rajput along with Mr. Viral Mukte and Mr. Vishnu Wani,
Advocate for the Petitioner.

Mr. Shrikant Yadav, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL, 2025.

P.C. :

1. Heard learned counsel for the petitioner and learned APP for respondent-State.

2. Learned counsel for the petitioner submitted that prosecution has examined five witnesses. The petitioner is behind bar for more than two years and eight months. After examining five witnesses, the prosecution had filed an application for further investigation and for seeking blood sample of the petitioner. After arrest, the medical examination of the petitioner was already done, he had given blood sample. Now again, the prosecution is asking for blood sample of the petitioner. It is nothing but prolonging tactics. After examining five witnesses, the prosecution cannot seek further investigation. Learned counsel further submitted that the applicant, at the time of the incident, was around 21 year old. He is behind bar for more than two years and

eight months, yet trial has not been concluded. If this Court permits to take blood sample of the petitioner, it will take time to receive the report of the said blood sample and the petitioner will remain behind bar for the said period but these facts are not considered by learned Special Court and has allowed the application filed by the prosecution, which is erroneous. Hence, requested to allow the petition.

3. It is contention of learned APP that as per the letter received from FSL, the blood sample of the petitioner is required to examine his DNA. Learned APP, on instructions, submitted that the report of the FSL will be produced before trial Court within two months of collecting the blood sample of the petitioner. If the report is not produced within two months, the prosecution shall try the matter on the basis of available evidence.

4. I have heard both learned counsel. As per the submission of learned APP, the prosecution will procure the FSL report within two months of collecting the blood sample of the petitioner. If the prosecution fails to procure FSL report within two months, the prosecution shall proceed against the petitioner on the basis of available evidence. The petitioner is behind bar for more than 2 years and 8 months. In view of these facts, the petition is disposed of.

5. The petitioner shall give blood sample to the prosecution.

(SHIVKUMAR DIGE, J.)