



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.710/2025

(Sadare Alam S/o Nasiuddin Alam Vs. State of Maharashtra and another)

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

Court's or Judge's orders

Mr. S.S. Ansari with Mr. T.J. Patil, Advocates for the applicant.
Mr. N.R. Rode, A.P.P for the non-applicant No.1/State.
Ms. Chaitali Bhute, Advocate for the non-applicant No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 6.10.2025.

The applicant is arrested in Crime No.342/2024 for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. It is the case of prosecution that the victim, who is mentally disabled, was found pregnant and her mother took her to hospital. The fetus was aborted. Initially F.I.R. was registered against unknown person. Thereafter the statement of victim was recorded and she has told that the applicant had committed sexual assault and thereafter DNA test was conducted.

3. The learned Advocate for the applicant states that applicant is in jail since 4.4.2024. The DNA report is not matching to the fetus which shows that the applicant is not involved in said offence. Hence, prayed to release the applicant on bail.

4. The learned A.P.P. opposed the application stating that the victim has stated about the act committed by the applicant. She is 65% disabled. She has given her statement and mentioned the name of this applicant. Hence, prayed to reject the application.

5. The learned Advocate for the non-applicant No.2 has stated that the statement of applicant was recorded in presence of

Psychologist in Rehabilitation Centre. She has mentioned the name of this applicant and by gesture narrated the act of accused. As the offence is serious, prayed to reject the application.

6. Heard both sides and perused the record.

7. The victim is mentally disabled. On her statement only the offence is registered. From DNA report it appears that the applicant is not biological father of said fetus. As the DNA report is negative, case is made out to release the applicant on bail. Hence, the application is allowed.

i) Applicant- Sadare Alam S/o Nasiuddin Alam be released on bail in Crime No.342/2024, registered with Police Station M.I.D.C., Nagpur for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

ii) The applicant shall not in any way tamper with the prosecution evidence.

iii) The applicant shall not pressurize or threaten the prosecution witnesses.

iv) The applicant shall co-operate with the Investigating Officer.

(MRS.VRUSHALI V.JOSHI, J.)