

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4491 of 2025

Raghunath Keshav Dongare

...Applicant

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Gaurav Parkar a/w Mr. Tarang Jain, Advocate for the Applicant.

Ms. Rashmi Tendulkar, APP for the Respondent No. 1-State.

Ms. Shaba N. Khan, for the Respondent No. 2

Ms. Anuradha Meher, PSI, Boisar Police Station, Present.

CORAM R. M. JOSHI, J.

DATED: 20th April, 2026

PC:-

1. The Applicant seeks bail in connection with Crime No. 216 of 2025 registered with Bhoisar Police Station for the offence punishable under Sections 64(2)(m) & 65(1) of Bhartiya Nyaya Sanhita (BNS) & under Sections 4, 6, 8, 10 & 12 of Protection of Children from Sexual Offences Act, 2012. (for short 'POCSO' Act)

2. The first informant is a minor girl, she reported to the police about she working with the present applicant as a maid. The allegation made by the informant is that from January 2025 till April 2025 applicant committed sexual intercourse with her. When

she had abdominal pain and required to go to Doctor, the applicant told her that in case she is found pregnant, she should name Rupesh, responsible for the same. She accordingly reported to the police initially, however later on disclose about present applicant being responsible for the same. On the basis of the said report, a crime was registered against the applicant. During the course of the investigation, DNA sample was obtained to conduct comparative analysis with the DNA profile of the foetus. According to the said report, the paternity of the applicant was excluded.

3. The learned counsel for the applicant submits that, these allegations made by the informant against applicant is not supported by the medical evidence. It is his submission that, at the first instance, informant names another person responsible for her pregnancy and then changes the said version by taking name of present applicant. Thus, it is his submission that the statement of the applicant is not consistent in order to rely on the same. It is argued that since the DNA test excludes the paternity of the applicant to the foetus and since there is no corroborative evidence, applicant is entitled to bail.

4. Learned APP for respondent no.1 and learned counsel for respondent no. 2 opposed the application by pointing out that the statement of the informant is consistent before the police, the Magistrate, as well as the Medical Officer and the same would be sufficient to convict applicant. It is their contention that merely because the DNA report excludes the paternity of the applicant, he is not entitled for bail.

5. No doubt the consistent and reliable statement of victim can become sole basis for the conviction of an accused. However in case any doubt is created with regard to the same, the court must look for corroboration, is settled position of law. Herein this case initially applicant has named Rupesh to be the person who had sexual relation with the victim. Later on she changes her version and attributes the said act to the applicant. Thus, the statement of the informant is not consistent. Moreover, she does not claim to have sexual relationship with anyone else but with the applicant. In this backdrop, when there is DNA report excluding the applicant being the biological father of the foetus, *prima facie* there is no reliable evidence to accept involvement of applicant in this crime. Applicant is in jail since 16th May 2025. The charge is yet to be

framed. Thus, there is no reason to believe that the trial would commence and get over in the reasonable time. Hence the order :

ORDER :

- a) The Application stands allowed.
- b) The Applicant be released on bail in connection with Crime No. 216 of 2025, registered with Bhoisar Police Station on furnishing PR bond of Rs. 15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- c) The Applicant not to contact any witness directly or indirectly and not to interfere into the evidence of the prosecution in any manner whatsoever.
- d) The Applicant to attend the Trial Court on each dates of hearing unless exempted by the Trial Court.

6. It is clarified that above observations are *prima-facie* in nature and would not bind Trial Court / parties during trial.

(R. M. JOSHI, J)