

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4241 of 2016

1. Lala @ Meghnath Verma, aged about years, S/o. Late Gaurishankar Verma, R/o. Village- Dhuldhul, P.S. - Nevra, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station -Nevra, District – Raipur (Chhattisgarh)

---- Respondent

For Applicant : Mr. Ankur Agrawal, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.73/2016, registered at Police Station – Nevra, District – Raipur (C.G.) for the offence punishable under Section 376 (2) (N) of the Indian Penal Code and Section 6 of POCSO Act.
2. Case of the prosecution, in brief, is that a report was made by the victim that the applicant from 12.07.2014 while she was minor forcefully committed rape and because of such relation a child was born on 28.02.2016 and the report was made by Dulari, the mother of the victim on 13.03.2016.
3. Learned counsel for the applicant submits that charge-sheet in this case has been filed and the complainant when was asked for DNA

test of child, they have refused to do which substantiate the fact that the child do not belong to the applicant. It is further submitted that the applicant has been falsely implicated in this case and the child do not belong to him and the nature of allegation would show that it was from the year 2014 the allegations have been attributed, which is completely false, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Charge-sheet contains a consent letter of the victim that she do not want to get DNA test of the child. Considering the facts and circumstances of the case and and the delay caused, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge