

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5352 of 2016

- Bharat Lal Sahu S/O Khemlal Sahu Aged About 16 Years (Minor) Through Natural Guardian Father Khemlal Sahu S/O Hinchha Ram Sahu, Aged About 38 Years, R/O Village Chuchrungpur, Police Station Magarlod, District Dhamtari, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station-Magarlod,district -Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Neeraj Kumar Jai, Govt. Advocate
Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 21-01-2016 in connection with Crime No. 22 of 2016, registered at Police Station Magarlod, District Dhamtari (CG) for the offence punishable under Sections 376, 506 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 20-1-2016 a report was made by the prosecutrix that in the year 2015 when the prosecutrix went to answer the call of nature, at that time the applicant caught hold of her hands and thereafter he committed forcible sexual intercourse with her and due to such sexual intercourse she

became pregnant and a baby was born to her on 19-11-2015 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the report of DNA test with regard to paternity of the child is placed on record which shows that the DNA test did not match with the applicant and false allegations have been attributed to the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 21-01-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused case diary and other documents
6. Perused the DNA report which is filed along with the bail application. Prima facie, it shows that DNA test did not match with the baby who was born to prosecutrix.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the report of the DNA test and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 21-1--2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju