

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1054 of 2018

- Netram Sinha S/o Indraman Sinha Aged About 25 Years R/o Village Khapra Khol Thakurdiya Khurd, PS Pithoura, District Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pithoura District Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Mr. B.M.Roy, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-09-2018

1. Apprehending arrest in connection with Crime No.132/2017, registered at Police Station – Pithoura, District Mahasamund, Chhattisgarh for offence punishable under Section 376 of the IPC and under Section 4 of the POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The FIR in this case is delayed about 7 months regarding which there is no sufficient explanation for delay. The fact of pregnancy of the prosecutrix needs examination and investigation as subsequent to that alleged date of incident the prosecutrix had left the place and remained somewhere in Uttar Pradesh before she came back and lodged the FIR, for which the applicant is keen to make a prayer for DNA examination with respect to the parentage of the child born. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix had been just 15 years of age on the date of incident and it is not a case of any love affair. Hence, the applicant is not

entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that on 01-11-2016 this applicant by force raped the minor prosecutrix of age about 15 years. Consequent to this incident the prosecutrix got pregnant and when she lodged the FIR on 29-06-2017 she was found pregnant on medical examination. She has made clear allegation against the applicant that he was the person who has raped her. Hence, this case.

6. After due consideration on the entire material present in the case diary, I do not feel inclined to grant anticipatory bail to this applicant.

7. Accordingly, the application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

8. The applicant shall have the liberty to pray for DNA examination regarding parentage of the child of the prosecutrix before the concerned authority or to the concerned Court.

Sd/-
(Rajendra Chandra Singh Samant)
Judge