

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4705 of 2019**

Ganesh Markam, S/o Shri Rajman Markam, aged about 25 years, R/o Village Kotvel, P.S. Farasgaon, District Kondagaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Farasgaon, District Kondagaon (CG).

---- Non-applicant

For Applicant	: Mr. Malay Jain, Advocate
For Non-applicant	: Mr. Dinesh Kumar Tiwari, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.08.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.12/2018 registered at Police Station Farasgaon, District Kondagaon for the offence punishable under Sections 376, 306 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 31.08.2018 passed in M.Cr.C. No. 5726/2018.
3. Case of the prosecution in brief is that deceased was near about 19 years old. She was resident of Kotvel, Gudripara. Since back 2 years from 10.02.2018, she was having physical relation with the applicant. She became pregnant. When the matter was inquired from her then she stated that she has become pregnant on account of sexual intercourse committed by the applicant. Later on applicant refused to keep her. On 10.02.2018, deceased committed suicide by consuming some poisonous substance.
4. Counsel for the applicant submitted that as per DNA report Article 'A' (580), which is the blood sample of applicant and Article 'C' (582), which is the sample of uterus of deceased are not the biological father and mother of Article 'B' (581), which is the sample of bone of embryo of

deceased, thus the applicant may be released on bail.

5. On the other hand, counsel for the State opposed the bail application and submitted that on the basis of DNA report, it cannot be said that the applicant has not committed offences under Sections 376 & 306 of IPC.

6. At this stage on the basis of DNA report, it cannot be said that the applicant has not committed alleged offences.

7. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-