

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4782 of 2019**

- Rahul @ Patalu S/o Omprakash Ghashi, aged about 19 years, R/o Village Dahejwar Jamdad, P.S. Balrampur, District Balrampur- Ramanujganj (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station Balrampur District Balrampur Ramanujganj (C.G.)

---- Respondent_

For Applicant	:	Shri Manoj Mishra, Adv.
For Respondent/State	:	Shri B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.09.2019**

1. The accused/applicant has moved this bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 10/2019 registered at Police Station Balrampur, District-Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 376 of IPC and Section 4/6 of POCSO Act 2012.
2. The prosecution story, in brief is that on 02.01.2018, in the forest of village Badkimahari and thereafter on different dates, the applicant committed sexual intercourse with the complainant/victim. On the basis of such report the concerned police, after investigating the matter, registered the offences as described above.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. The applicant has no criminal antecedent. He further submitted that it is clear from the DNA Report that the present applicant is not a biological father of the child of prosecutrix. The applicant is in jail since 03.02.2019, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Prosecutrix and her father are present today before the Court and they also oppose the bail application of the applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, DNA Report and further considering the fact that the applicant is in jail since 03.02.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**