

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5711 of 2019

- Manjeet Poyam S/o Suresh Poyam Aged About 29 Years Residing At Village Korrabadgaon Police Station And Tahsil Farasgaon District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Benur Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

 For Applicant : Shri P.K. Tulsyan, Advocate
 For Respondent/State : Shri Akhtar Hussain, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

06.11.2019

1. Heard.
2. This is the first 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.26/2019, registered at Police Station Benur, District Kondagaon(CG) for the offence punishable under Section 376 of the IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, father of the prosecutrix lodged a report against the applicant that on false pretext of marriage, he called her daughter to a lonely field and committed sexual intercourse with her, due to which, she became pregnant.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the prosecutrix herself had gone to the applicant and she did not

disclose this fact to anybody for a long time. He further submits that the prosecutrix has given birth to the child and DNA test was conducted, in which it is found that the applicant is not biological father of the child of the prosecutrix. He has filed the DNA test report. He submits that the charge sheet has been filed and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and the DNA test report, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE