

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6052 of 2019**

- Suresh Ram Shrivas @ Chhotu @ Shambhu S/o Kishun Ram Shrivas, aged about 25 years, R/o Masga, P.S. Dhorpur, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Mahila Thana Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Shri Sanjay Pathak, Adv.
For Respondent	:	Ms. Akshara Amit, P.L.
For Objector	:	Shri Sandeep Dubey, Adv.

Hon'ble Smt Justice Rajani Dubey**Order on Board****06/12/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.20/2019, registered at Police Station – Mahila Thana Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376 (2) (n), 376 (3) IPC and Sections 4, (j)(II) (I) and 6 of POCSO Act.
2. The prosecution story, in brief, is that the father of prosecutrix made a written complaint in police station alleging therein that when the applicant was working with him as labour, at the relevant time, the applicant by alluring the prosecutrix took along with him to his village Masga where he committed forcible sexual intercourse with prosecutrix many times as a result of which she became pregnant and in the year 2019 she delivered a child. Based

on this, offence has been registered. The present applicant has been taken into custody on 20.06.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that, according to DNA report, he is not a biological father of the alleged child of the prosecutrix. He also submits that the applicant is in custody since 20.06.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State and Shri Sandeep Dubey, counsel for objector, opposed the bail application. Learned counsel for objector added that the prosecutrix was gang raped in which the present applicant is also involved.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, in particular the DNA report, and further considering the fact that the applicant is in custody since 20.06.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge