

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6291 of 2019**

Lavkumar Yadav @ Golu S/o Shriram Yadav Aged About 28 Years R/o
Sivpara, Police Station - Durg, Tah And District Durg Chhattisgarh, District
: Durg, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Police Of Police Station - Durg, District -
Durg, District : Durg, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Tarun Dansena, Advocate
For the State	:	Shri Vaibhav K. Agrawal, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/11/2019**

1. Ms. Saroj Chavre, Sub Inspector, Police Station City Kotwali Durg, District Durg (C.G.) present along with case diary.
2. This is the second bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was rejected by this Court on 02/04/2019 in MCRC No. 1503/2019 considering *prima facie* case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.787/2018 registered at Police Station Durg, District Durg (C.G.) for the offence punishable under Section 376 of IPC.
4. Case of the prosecution, in brief is that prosecutrix is about 24 years old. She is resident of Shivpara Tulsi Chowk, Durg, she is deaf and dumb during 20.03.2018 to 30.04.2018 some person committed forcible sexual intercourse with her. During the test identification parade she identified applicant.
5. Counsel for the applicant submitted that DNA report is negative. As per the DNA report applicant is not the biological father of born child, thus he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedent against the applicant in police case diary.
7. Looking to the facts and circumstances of the case, this Court finds that mere DNA report is itself not sufficient to enlarge applicant on bail in second round of litigation. What would be the effect of DNA report would be considered at the time of appreciation of the evidence.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail on second round of litigation. Consequently, second bail application of the applicant is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge