

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 616 of 2020**

- Sharda Prasad Kurre S/o Late Tilakram Kurre, Aged About 47 Years, (In The Charge Sheet Mentioned As Late Bikau Ram Kurre), R/o Dhourabhata, Police Station Hirri, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Hirri, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Yogendra Chaturvedi, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27/08/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 64/2018 registered at Police Station - Hirri, District-Bilaspur (C.G.) for the offence punishable under Sections 376 of the IPC and 4, 6 of POCSO Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file fresh bail application after conducting DNA test of the accused/applicant by this Court on 05.10.2018 in MCRC No. 6651/2018.
3. The prosecution story, in brief is that, complainant lodged a report that the accused/applicant has committed forcibly sexual intercourse, four months ago with the prosecutrix/complainant, threatened her to life. Further it is also alleged that the prosecutrix has been raped by the applicants 4-5 times, due to which, she became pregnant and when the fact came to know of her parents matter was

reported to the police. Based on this offence has been registered against the present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant moved an appropriate application before the learned trial Court for grant of permission to obtain DNA Test report of the applicant but very unfortunately the same has been rejected on 23.01.2019. He next submits that the applicant is in jail since 22.03.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and submits that the present applicant has committed a heinous crime, he has raped a minor girl, due to which, she became pregnant, therefore, he may not be granted bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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