

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 742 of 2020**

- Sadeshwar Singh S/o Babulal Singh Aged About 21 Years R/o Mukha, Police Chowki, Daura, Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. V. K. Pandey, Adv.
For Respondent/State	:	Ms. Akshara Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/03/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 75/2018 registered at Police Station Pasta, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376 (2)(a) and 506 of IPC.
2. The prosecution story, in brief is that, prosecutrix lodged a report that at the time of incident she went at the house of applicant as a guest, then applicant took the prosecutrix at field and committed sexual intercourse with her and threatened her not to disclose anyone. Thereafter, applicant made sexual intercourse at many occasions, due to this, prosecutrix became pregnant and gave birth a child but the applicant denied marrying with the prosecutrix. Based on this offence has been registered against the present applicant.
3. 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 as per the DNA Test Report the present applicant is not the father of the child born by the prosecutrix. He next submits that the applicant is in jail since 30.03.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that as per DNA test report the applicant is not a biological father of the child. The applicant is in jail since 30.03.2019, 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.
7. 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**