

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6233 of 2020

Praveen Tirkey, S/o Chairman Uraon, Aged About 21 Years, R/o Village Saraidih, Police Station Shankargarh, District- Balrampur-Ramanujganj (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Shankargarh, District- Balrampur-Ramanujganj (C.G.)

--- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26/11/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 04/2020, registered at Police Station- Shankargarh, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 (2) (ढ) of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.03.2020 and has been falsely implicated in this case. The applicant has not committed any offence. The prosecutrix disclosed about the incident after she had delivered a child, making false allegation against the applicant. The DNA examination conducted in the investigation, has resulted in

negative, as the report shows that the applicant is not biological father of the child borne to the prosecutrix, therefore, no case is made out against the applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that age of the prosecutrix had been only 15 years and 7 months at the time of incident and that she has clearly stated about her relation with the applicant. Only for the reason that the applicant is not biological father of the child of the prosecutrix, the statement of the prosecutrix cannot be rejected and thrown away, in which, she has said about her relation with the applicant, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. The prosecutrix is present before this Court virtually through the help desk of District Legal Services Authority, Balrampur-Ramanujganj and she has made statement that she has no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that the applicant had affair with the minor prosecutrix of age below 16 years, because of which, she became pregnant and gave birth to a child. Consequent to which, the FIR has been registered on the basis of statement given by the prosecutrix.
7. Considered on the submissions and the facts present in this case. After considering especially on the DNA report, on which,

the applicant has relied upon and also the statement of no objection, made by the prosecutrix herself, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge