

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6621 of 2021**

- Heeradas Manikpuri S/o Late Shivcharan Manikpuri, Aged About 60 Years R/o Village Pachri, Police Station Pateva, District Mahasamund (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through SHO, Police Station Pateva, District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Shri Vaibhav A. Goverdhan, Advocate

For Respondent/State : Shri Arjit Tiwari, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/12/2021**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 22.03.2021 in connection with Crime No. 62/2021 registered at Police Station Pateva District Mahasamund C.G. for the offence punishable under Section 376 (2) (n), 506 of IPC and Section 6 of POCSO.
2. As per the prosecution case the allegation of the prosecutrix is that the applicant sexually molested the prosecutrix. Subsequently, she gave birth to a child.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and DNA report would show that the prosecutrix is

the biological mother of the child whereas the applicant is not the biological father of the child, therefore the present applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however in respect of the correctness of the DNA report it is stated that the applicant is not the biological father of the child.
5. The complainant appeared before this court and submitted that he has objection to grant bail to the applicant.
6. Heard learned counsel for the parties and perused the records.
7. Prima facie, considering the DNA report that the applicant is no the biological father of the child, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one 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 by the said Court.

Sd/-
(Goutam Bhaduri)
Judge