

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 7715 of 2021**

Ghanshyam Singh Kanwar S/o Vikram Singh, Aged About 19 Years, R/o Songudha, P.S. Balko Nagar, District Korba, Chhattisgarh.

---- Applicant

**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Balko Nagar, District Korba, Chhattisgarh.

--- Respondent

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|---------------|--------------------------------|
| For Applicant | : Mr. Vikash Pandey, Advocate. |
| For State     | : Dr. Veena Nair, Dy. AG.      |

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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**02/12/2021**

Heard.

1. Applicant has filed this first bail application under Section 439 of Cr.PC for grant of regular bail, as he has been arrested in connection with Crime No.15/2021, registered at Police Station Balko Nagar, District Korba, (C.G.) for the offence punishable under Section 376 (2)(n) of Indian Penal Code and Section 6 of POCSO Act.
2. Case of prosecution is that on 12.01.2020 prosecutrix lodged written report mentioning therein that initially on 12.01.2017 on the pretext of marriage applicant committed forceful sexual intercourse with her. Thereafter he continued establishing physical relationship with her due to which she became pregnant. When prosecutrix asked applicant to marry her, he refused. Prosecutrix gave birth to a male child on 03.01.2021. Based upon aforementioned report, crime was registered against applicant and he was arrested on 12.01.2021.
3. Learned counsel for applicant submits that prosecutrix levelled false and baseless allegations against applicant, he has not committed any offence as alleged against him. Even otherwise from contents of complaint, report is highly belated, hence, applicant may be enlarged on bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that on the date of first sexual intercourse prosecutrix

was a minor girl aged about 16 years. DNA report is also available in case diary wherein report send to examination has been found positive ie applicant has been found to be biological father of child. Hence, he is not entitled for grant of bail.

5. Prosecutrix alongwith her father is present before this Court through virtual mode from DLSA, Korba. They raises objection in grant of bail to applicant.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, submission of learned counsel for the State with respect to DNA report, submission of prosecutrix, I do not find it to be a fit case to enlarge the applicant on regular bail.
8. Accordingly, bail application is dismissed.

**Sd/-**  
**(Parth Prateem Sahu)**  
Judge

Jamal/-