

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8972 of 2021**

Vinay Yadav S/o Shri R.K. Yadav Aged About 53 Years R/o
 Dauchoura, Ward No. 16 Teh.- Khairagarh, Distt. Rajnandgaon
 (Chhattisgarh) --- **Applicant**

Versus

State of Chhattisgarh through Police Station - Ajak, District-
 Rajnandgaon (Chhattisgarh) --- **Respondent**

For the applicant : Mr. Ajit Singh Advocate.

For the Respondent : Mr. Raghavendra verma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****15.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.05/2021 registered at Police Station Ajak, District Rajnandgaon (C.G) for the offences punishable under Sections 376(2)(n), 506 of IPC and section 5 of Protection of Children from Sexual Offences Act and section 3-1(b), 3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, in the month of January, the applicant took the prosecutrix for the household job and committed rape on the pretext of marriage thereby she became pregnant and gave birth to a child and thereafter, he refused to marry. Hence the report was made.
3. Learned counsel for the applicant would submit that false allegations have been levelled against the applicant which would be evident from the DNA report submitted in

compliance of the direction of the learned trial Court and on collecting blood samples, the DNA of the baby and the accused/applicant was conducted wherein it was revealed that the accused is not biological father of the baby, which would show the falsity of charges. He further submits that the charge sheet has been filed and no further investigation is necessary and the applicant is in jail since 04.09.2021, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. The DNA report which is placed on record would show that the applicant is not biological father of the baby, which is claimed to be born because of the rape committed on the victim. Considering the same, I am inclined to allow this bail application.
6. Accordingly, the bail 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 concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**