

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 2292 of 2023**

1 - Chhote Korva S/o Jhariya Korva Aged About 28 Years Resident Of Village Baskepi, Bazarpara, Police Chowki Ganesh Mod, Police Station Balrampur, District Balrampur-Ramanujganj (C.G.)

---- **Petitioner**

Versus

1 - State Of Chhattisgarh
Through Station House Officer, Police Of Police Station Balrampur, District Balrampur-Ramanujganj (C.G.)

---- **Respondent**

08.05.2024	Mr. P. Chetan Kumar, learned counsel for the Appellant. Ms. Prabha Sharma, Panel Lawyer, for the Respondent/ State. Heard on I.A. No. 01 which is an application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail. Learned counsel for the appellant would submit that the appellant has been falsely implicated in the offence. There is no legally admissible evidence with respect to the age of the prosecutrix. He would further submit that the prosecutrix was having illicit relation with some other persons but she has made report against the present appellant. The appellant is on bail during trial and the appeal is of the year 2023 and it will take its own time for final adjudication, therefore, the appellant may be released on bail. On the other hand, the learned counsel for the State opposes and has submitted that the prosecutrix was minor on the date of incident aged about

15 years, she was sexually exploited by the appellant, by which she conceived pregnancy and ultimately, she delivered a child. The DNA report proved that the appellant is biological father of the prosecutrix's child but he is throwing the liability upon another person. Looking to the nature of allegation, the appellant is not entitled for bail.

I have heard learned counsel for the parties and perused the record.

Considering the submissions made by the learned counsel for the parties, considering the nature of allegation made by the prosecutrix (PW/1) and further that the appellant is biological father of child, delivered by the prosecutrix, considering the age of the prosecutrix, I am not inclined to release the appellant on bail.

The I.A. No. 01 is rejected.

List this case for final hearing after 10 weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge