

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3027 OF 2015**

Santosh Tirkey S/o Matiyash Tirkey aged about 27 years Resident of village
Tatapani P.S. Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station, Ramanujganj, District
Balrampur-Ramanujganj (C.G.)

---Non-applicant

For Applicant	:	Mr. A.K. Yadav, Advocate
For Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/07/2015**

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. 23/2015, registered at Police Station Ramanujganj, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 313 of Indian Penal Code.
2. Applicant is said to have caused miscarriage of his wife without her consent and thereby committed offence.
3. Learned counsel for the applicant would submit that applicant has been falsely implicated in this case as the fact of miscarriage is not supported by medical evidence. He would further submit that there is delay of five days in lodging the FIR. He would lastly submit that charge sheet has been filed and applicant is in jail since 27/02/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging First Information Report, role of the present applicant, pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on 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.
9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE