

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6252 of 2015

Pritam Das Dhritlahare S/o. Shyam Lal Dhritlahare, aged about 51 years, resident of village Kukuradi, Post Office Baloda Bazar, Tahsil and Police Station Baloda Bazar, Civil and Revenue District Baloda Bazar Bhatapara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Palari, Civil and revenue District Baloda Bazar Bhatapara (C.G.)

---- Respondent

For Applicant	:-	Shri Janak Ram Verma, Advocate
For Respondent/ State	:-	Shri S.R. J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/11/2015

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 in connection with Crime No. 82/2015 registered at Police Station- Palari, District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Sections 313,304 of IPC.
2. As per prosecution on 04.03.2004 an FIR was lodged that on . 27.03.2004 the deceased Chetan Bai who conceived pregnancy about 5 – 6 months for which she had accompanied with her neighbour for abortion to doctor and she was administered some medicine, subsequently while coming back to home on the way she became unconscious and died. It is the case of the prosecution that the applicant has charged an amount of Rs. 1100/- for doing abortion.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and the allegation is against S.D. Dhritlahare, who conducted abortion of the deceased and incomplete description of identification, after laps of 11 years, Police has wrongly arrested the present applicant instead of S.D. Dhritlahare who is absconding and therefore, he may be enlarged on bail.
4. Per contra, state counsel opposes the prayer for grant of bail.
5. Having regard to the fact available on record, proper identification of the applicant has to be established. Considering the delay of 11 years in this case, this Court is of the opinion that it is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge