

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 955 of 2015

Vinod Kumar Singh S/o Sachdev Singh Aged About 50 Years R/o 91 Model Town Bhilai, District Durg (Chhattisgarh), Director Rajwanshi Memorial Hospital Junwani, Vinoba Nagar, Bhilai, Tahsil And District - Durg (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Incharge, Out Post - Jevra Sirsa, Police Station - Pulgaon, District - Durg (Chhattisgarh).

---- Respondent

Shri B.P.Singh, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Order On Board

06/10/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.373/15 registered at out post – Jevra Sirsa, Police station – Pulgaon, District – Durg, Chhattisgarh for alleged commission of offence under Section 376 (g), 506 (b), 312, 34 of IPC.

2. Prosecution case is that one Seema Yadav, mentally retarded girl was subjected to rape by some of the villagers. It is alleged that after sometime, at later stage of pregnancy, she, on the advice of known persons, was taken to the nursing home of which, the applicant is the Director. It is alleged that thereafter, the pregnancy was aborted in the hospital. As the applicant happened to be the Director of the hospital, he is also involved in the alleged commission of offence.

3. Learned counsel for the applicant submits that the applicant has been involved only because at the relevant time, he happened to be the Director of Rajwanshi Memorial Hospital, Junwani. It is submitted that there is neither any allegation of commission of rape nor the applicant himself causing abortion.

4. On the other hand, learned State counsel opposes prayer for grant of bail by submitting that it is improbable that without the notice and knowledge of the applicant, abortion would have taken place.

5. Taking into consideration the submission of learned counsel for the parties, particularly that offence under Section 312 of IPC is bailable in nature and prima facie, prosecution case does not involve the applicant in the alleged commission of offence of rape, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge