

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 840 OF 2016**

Smt.Urmila Kunjam wife of Mehattar Kunjam, aged about 45 years,
Caste-Gond, resident of Badatola, Chowki-Halba, Police Station-
Narharpur, District-Uttar Bastar Kanker (CG)

---Applicant**Versus**

State of Chhattisgarh Through : the Incharge, Chowki Halba, Police
Station-Narharpur, District-Uttar Bastar Kanker (CG)

---Non-applicant

For Applicant	:	Mr. D.N.Prajapati, Advocate.
For-Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/03/2016**

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. 227/2015, registered at Police Chowki-Halba, Police Station-Narharpur, District-Uttar Bastar Kanker (CG), for the offence punishable under Sections 376, 376 (च)(द)(ड) and 313/34 of the IPC.

2. Case of the prosecution, in brief, is that, co-accused Ramesh Kunjam committed sexual intercourse with the prosecutrix who is woman of unsound mind and the present applicant subjected her to miscarriage and caused miscarriage without her consent.

3. Learned counsel for the applicant would submit that applicant

has not committed any offence and she has been falsely implicated in crime in question. He would further submit that in 164 CrPC statement, the prosecutrix has not supported the case of prosecution, she is in jail since 10.12.2015 and charge-sheet has already been filed.

4. Learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant and punishment prescribed for offence punishable under Section 313 of the IPC, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of four months from the date of receipt of certified copy of this order.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-