

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 4383 of 2016**

- Vidhan Mallik S/O Sadanand Mallik Aged About 42 Years R/O Village & Thana Bande, Tahsil Pakhanjore, Distt. Uttar Bastar Kanker (Cause Title Wrongly Mentioned In The Order)

---- Applicant (In jail)

**Versus**

- State Of Chhattisgarh Through Bande Police Station , District. U. B. Kanker Chhattisgarh

---- Non-applicant

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For Applicant : Shri Parag Kotecha, Advocate  
For Respondent/State : Smt Anupam Dubey, Dy GA

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**Hon'ble Shri Justice Goutam Bhaduri**  
**Order on Board**

**09.08.2016**

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.14 of 2016, registered at PS Bande, district UB Kanker (CG) for the offences punishable under Sections 376 (2) (i) and 313 read with Section 34 of the IPC and Section 4 of Protection of Children from Sexual Offences Act.
- 2) Case of the prosecution, in brief, is that, a report was made by father of the prosecutrix that his daughter, who is a minor girl was subjected to forceful sexual intercourse by one Prasannajeet, thereafter, when the girl became pregnant, she was subjected to abortion and the present applicant carried out the said abortion by administering one injection, thereby the offence was committed.
- 3) Learned counsel for the applicant would submit that there is no evidence available on record against the present applicant and only on assumption the applicant has been inculpated.

He further submits that charge-sheet has already been filed in this case and no further investigation is necessary, therefore, the applicant may be released on bail.

- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant.
- 5) I have heard learned counsel for the parties, perused the case diary and documents.
- 6) Having regard to the facts and circumstances of the case; further taking into consideration the evidence available on record against the applicant; considering the time lapsed report; charge-sheet has been filed; and he is in jail since 11.06.2016, I am inclined to release the applicant on bail.
- 7) Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
- 8) Certified copy as per rules.

Sd/-

(Goutam Bhaduri)  
JUDGE