

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8104 of 2016

- Manoj Kumar D/o Shri Kaushal Prasad Aged About 19 Years R/o Bajarbhatha, Thana & Tahsil- Kasdol, Civil & Revenue District- Balodabajar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kasdol, Civil & Revenue District Balodabajar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 27-07-2016 in connection with Crime No. 287 of 2016 registered at Police Station Kasdol, District Baloda Bazar – Bhatapara (CG) for the offence punishable under Sections 315, 318/34 of the IPC.
2. Case of the prosecution, in brief, is that on 5-7-2016 a report was made by village Kotwar that dead body of fetus about 4-5 months was found near the house of Ramdev Sahu. The statement of Dr. Bhagchand Patel was taken which created a doubt over the victim girl. It is alleged that the victim girl had relation with present applicant whereby she became pregnant and she consumed some medicine which was given by the present applicant which caused abortion and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that there is no evidence against the present applicant and the medical report also does not support conclusively of the fact that the victim girl is pregnant and she was subjected to abortion. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 27-7-2016 and no further investigation is necessary, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the medical report which would show that no definite opinion can be given about abortion.
7. Taking into consideration all the facts and circumstances of the case and further considering the medical report, without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge