

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-12944 of 2016

Date of decision : 25.04.2016

Mahesh

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vivek Khatri, Advocate for the petitioner

Ms. Dimple Jain, AAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 7 dated 04.09.2015 registered at Women Police Station Fatehabad, District Fatehabad under Section 313 IPC and 8 of POCSO Act.

Learned counsel for the petitioner contends that the allegations are that the prosecutrix was raped by the petitioner and she became pregnant and petitioner had convinced her to get it aborted but opinion of the Medical Officer is that no abortion had taken place in last 2-3 weeks. He has also referred to the statement made by the victim under Section 164 Cr.P.C. (Annexure P-2) wherein she had stated that she wanted to marry the petitioner. He further states that FSL report is also against the prosecution.

Learned State counsel submits that the girl was minor and she had been raped by the petitioner for about 2 ½ years on the assurance that he would marry her and he had threatened the girl that he would upload the video he had prepared and the girl was under fear and became pregnant and the accused had then given pills inducing abortion.

The allegations are serious. The merits of the case are not to be gone into.

No case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHARY)
JUDGE

April 25, 2016
reena