

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4792 of 2017**

- Govind Gorele S/o Ram Dulare Aged About 30 Years R/o Near Krishna Nagar, Supela, Police Station Supela, Tahsil & District Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Kiran Singh, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/11/2017**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 22.03.2017 in connection with Crime No. 235/2017 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 376, 294, 323, 313/34 of the I.P.C.
2. As per the prosecution case, the prosecutrix was subjected to rape by one Nazir Qureshi, whereby she sustained pregnancy. Thereafter, in order to terminate the pregnancy, she was taken to the private clinic along with Nazir Qureshi and the present applicant, who is the cousin brother of the prosecutrix and was forcefully subjected to abortion, thereby offence under Section 313 of the I.P.C. has been committed.

3. Learned counsel for the applicant submits that the main allegation is attributed against Nazir Qureshi and the applicant being the brother of the prosecutrix has abused her and assaulted her, therefore, initially his name was included, but the main allegation is attributed to Nazir Qureshi, therefore, no offence is made out against the applicant and he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements of the prosecutrix, who is examined as PW-1 before the Court, wherein no allegation is attributed to the present applicant. Considering her statement, without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu