

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 631 of 2017**

1. Kapila Bano, W/o. Toufiz Alam, aged about 40 years,
 2. Chimo Bai, W/o. Kole Ram, aged about 65 years,
- Both R/o. Village-Kurkunga, P.S. - Narayanpur, District – Jashpur (C.G.)

----Applicants

Versus

State Of Chhattisgarh, Through : the Station House Officer, Police Station – Narayanpur, District- Jashpur Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 635 of 2017**

Afsar, S/o. Reyazuddin, aged about 46 years, R/o. Village-Jokbahla, Police Station – Narayanpur, District – Jashpur (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : the Station House Officer, Police Station – Narayanpur, District- Jashpur Chhattisgarh.

---- Respondent

For Applicants	: Mr. V.K. Pandey, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/11/2017**

1. Both the bail applications are heard and decided together by this common order, as both the bail applications are arising out of same crime number as the facts and issues involved are similar in nature.
2. Apprehending arrest in connection with Crime No.42/2017 registered at Police Station- Narayanpur, District – Jashpur (C.G.), for offence punishable under Section 313 & 376/34 of the Indian

Penal Code, the applicants have preferred these bail applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants that applicants have been falsely implicated in this case. As alleged that the applicant – Kapila Bano and Chimo Bai have helped the main accused in causing miscarriage of the prosecutrix without her consent is totally false statement. It is submitted that the applicant – Afsar in M.Cr.C.(A) No.635/2017 has been falsely implicated and as per the information received so far, there is no evidence against him, hence it is prayed in both the cases that, the applicants be benefited with grant of anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the complainant has made categorical statement in her FIR and the statement recorded under Section 161 of Cr.P.C. against the applicants disclosing role played by them, the investigation in the case is pending hence at this stage, applicants are not entitled to be benefited with grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. Considering the statement made and the contents of the case diary as submitted by the prosecutrix/complainant that pregnancy was subjected to miscarriage on 08.04.2017. The FIR was lodged on 19.04.2017 and she was examined by the Medical Officer on the same day. The medical report does not show any opinion in favour of pregnancy or miscarriage of the prosecutrix. Considering the facts and circumstances of the case and the investigation

conducted so far, this Court is inclined to extend the benefit of anticipatory bail to the applicants.

7. Accordingly, both the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge