

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4363 of 2017**

- Chitranjan Patel @ Santu, S/o Shri Dileshwar Patel, Aged About 26 Years, Occupation- Service (Nav Durga Fuels Gerwani), R/o Village Dumarsingha, Police Station- Saria Tahsil- Baramkela, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Vivek Kumar Tripathi, Advocate.
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.09.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 15/02/2017, in connection with Crime No. 644/2016, registered in Police Station City Kotwali, Distt. Raigarh (C.G.) for offence punishable under Section 313 & 498A of Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is presently pending before the Third Additional Session Judge, Raigarh, Distt. Raigarh, as Session Trial No.52/2017. Learned counsel for the applicant would submit that the police during investigation not interrogated the neighbour of the applicant, though there is an

allegation that forcibly the applicant gave medicine to the complainant/his wife, married just before 3 months ago. But there is no material to show that the applicant ever gave threat to the complainant and also as per allegation, incident is took place on 10/10/2016, and the complainant was examined on 12/10/2016. The consent Doctor has mentioned that he had not found any active bleeding on the date of examination. The applicant is in custody since long. The applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant.

5. Perused the matter.

6. As mentioned the written complaint and other documents of the charge-sheet within 3 months from the marriage, the applicant forcibly gave medicine to the complainant i.e. his wife and thereafter there was a miscarriage shown in the MLC report, active bleeding of the complainant after 2 days may not be any material for the innocence of applicant, looking to the entire facts surfaced, that within 3 months from the marriage the applicant caused miscarriage without the consent of the applicant, I am not inclined to grant the bail.

7. Consequently, instant MCRC is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge