

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.415 of 2018

Kunj Lal Patel S/o Radhe Lal Patel, aged about 48 years, R/o Amadi, P.S.Arjuni, District Dhamtari, at present Belmand, P.S.Balod, District Balod (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The Station House Officer, Police Station Balod, District Balod (C.G.).

---Respondent

For applicant	:	Shri Praveen Dhurandhar, Advocate.
For resp./State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/01/2018

1. Present is a repeat bail application filed under Section 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No.636/2016 registered at Police Station Balod, District Balod (C.G.) for the offence punishable under Sections 376, 313, 506-B, 420, 201, 120-B/34 of IPC and Sections 5 (L) & 6 of the Protection of Children from Sexual Offences Act.
2. The earlier bail application stood dismissed as withdrawn with liberty to revive the same after the prosecutrix is examined vide order dated 05/10/2017.
3. Present applicant is in jail since 04/01/2017.

4. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have given some injection to the prosecutrix on account of which she had undergone an abortion which she had got conceived on account of relationship that she had with one Rohit, the main accused person.

5. The counsel for the applicant submits that, except for the present applicant, all the other accused persons are on bail and that the present applicant is in jail since 04/01/2017 and as such he had already remained in custody for a period of more than 1 year and that the only offence charged against him is that of the offence 313 & 120-B of I.P.C. and thus prayed for releasing the applicant on bail.

6. The State counsel however opposing the bail application submits that, the prosecutrix has categorically named the present applicant of having given her some injection. He further submits that, the present applicant is not a qualified doctor and that he has without the knowledge and consent of the prosecutrix had given her the injection which resulted in abortion and thus prayed for rejecting the bail application.

7. Considering the total facts and circumstances of the case, particularly taking note of the evidence of the prosecutrix wherein at one stage she has herself admitted the fact that, on a particular date, she had herself consumed some pesticide and was hospitalized and she regain consciousness only after 4 days and also taking into consideration the period of custody

undergone, this Court is of the opinion that a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE