

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 798 of 2018**

Fagendra Baidh, S/o. Chamara Ram Baidh, Aged About 31 Years, R/o. Village Marangpuri, Police Station -Vishrampuri, Tahsil -Vishrampuri, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station : Vishrampuri, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For State/respondent	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.112/2017, registered at Police Station – Vishrampuri, District – Kondagaon (C.G.), for the offence punishable under Section 313, 506 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 11.12.2017. No case is made out against this applicant on the basis of the material present in the charge-sheet. As the case is now before the trial Court and the trial is likely to take sometime for its conclusion. Hence, prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted

that no case is made out for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant Chandrakala Baidh, the wife of the applicant lodged FIR alleging that she was carrying pregnancy of about 1 and half months when the applicant, her husband came to know about it, who by force and threat forced the complainant to go for abortion from a local doctor. Resultantly, her pregnancy was aborted, which caused threat to her life.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary, as the case is presently before the trial Court and the trial is likely to take sometime, the medical report attached in the case diary does not show any confirmation about the recent pregnancy and abortion of the complainant, hence for these reasons, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge