

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No. 193 of 2018**

1. Seema Thakur W/o Shankar Thakur Aged About 40 Years R/o Badhiyatola, Dongargarh, Distt. Rajnandgaon Chhattisgarh.
2. Nitin Thakur S/o Jaipal Singh Thakur Aged About 27 Years (wrongly mentioned 35 years) R/o Badhiyatola, Dongargarh, Distt. Rajnandgaon, Chhattisgarh.

-----Applicants**Versus**

State of Chhattisgarh Through : Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Ghanshyam Patel, Advocate.
For Respondent	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16/04/2018**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.221 of 2017 registered at Police Station Dongargarh, Distt. Rajnandgaon, for the offence punishable under Sections 376,313 and 493 read with Section 34 of IPC.
2. The applicant No.1 is mother and applicant No.2 is uncle of the main accused Karan Thakur. The case of the prosecution is that, the main accused Karan Thakur is said to have developed relationship with the prosecutrix and on the pretext of the marriage he is said to have maintained physical relationship with her for a considerable period of time and later has refused to marry her. In between the prosecutrix is said to have got conceived from Karan Thakur and it was the present

applicants who have taken the prosecutrix to the Hospital where after taking some medicine which was provided to her by the Nurse of the hospital namely Smt. Jolly Baghel, the prosecutrix underwent abortion.

3. At the outset, learned counsel for the applicants submits that both Karan Thakur as well as Smt. Jolly Baghel who are also accused in the present case, have already been granted bail by this court vide MCRC No.6715 of 2017 and MCRC(A) No.935 of 2017 decided on 07.12.2017 and 06.02.2018 respectively. Further contention of the counsel for the applicants is that only allegation against the applicants is that they had only taken the prosecutrix to the Hospital when she got conceived from Karan Thakur and had got the abortion done. Other than this, there was no allegation against the applicants so as to attract the offence under Section 376 IPC or for that matter the other charges against the main accused persons. Thus, prayed for grant of bail.
4. The State Counsel opposes the bail application on the ground that it is the act on the part of the applicants who had forced the prosecutrix to consume medicines provided by the Nurse which resulted in the abortion and therefore, the present applicants have also played equal important role in the commission of the offence. Moreover, there is also charge under Section 313 IPC levelled against the accused persons. Thus, prayed for rejection of the bail application.
5. Having heard the counsel for the parties and on perusal of case diary, what reflects is that the main accused Karan Thakur who is said to have raped the prosecutrix and Nurse who had allegedly provided medicine to the prosecutrix for the abortion have both been granted benefit of bail by this court. Moreover, the only allegation against the applicants is that

of taking the prosecutrix to the Hospital for abortion, therefore, this court is of the view that it is a fit case to grant anticipatory bail to the applicants.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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 them from disclosing such facts to the Court or to any police officer;
3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. 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.

7. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

Brij/inder