

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C.(A) No. 493 of 2018**

1. Samir Yadav, son of Anant Lal Yadav, aged about 23 years, Occupation Agriculturist.
2. Smt. Savita Yadav, wife of Shri Samir Yadav, aged about 22 years, Occupation Agriculturist.

Both are resident of Village Ranpurkala, P.S. Gandhi Nagar, Tahsil Ambikapur, District Surguja (CG).

**---- Applicants**

**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Dhourpur, District Surguja (CG).

**---- Non-applicant**

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For Applicants : Ms. Hamida Siddiqui, Advocate.

For Non-applicant : Ms. Sunita Jain, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board**

**05.07.2018**

1. Apprehending arrest in connection with Crime No. 14/2017, registered at Police Station Dhourpur, District Surguja, for the offence punishable under Sections 376(2)(ढ), 313, 506 of Indian Penal Code and Section 5(ढ)/6 of POCSO Act, the applicants have filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 16.08.2016 prosecutrix, who is aged about 15 years, residing at village Chhermunda when she was going to school, on the way, main accused Vinod Yadav met her and told that he will leave her in the school by his motorcycle. Thereafter, he took her in Devri Forest at about 10:00 am and forcibly

committed sexual intercourse as a result she became pregnant. Thereafter, on 22.02.2017 the main accused Vinod Yadav along with the present accused/applicants took the prosecutrix in the private hospital of Dr. Vishwakarma at Ambikapur for abortion wherein her abortion was done.

3. Counsel for the applicants would submit that the name of the present applicants are missing in FIR as well as Dehati Nalishi and there is no evidence of termination of alleged abortion. She would further submit that applicants have not committed any offence and have been falsely implicated in the case and as such the applicants are entitled to be released on anticipatory bail.
4. Learned counsel for the State would oppose the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Looking to the facts and circumstances of the case; taking into consideration that in the statement of the prosecutrix recorded under Section 161 of CrPC, it has been mentioned that the present applicants and main accused Vinod Yadav took the prosecutrix in the private hospital of Dr. Vishwakarma at Ambikapur for abortion and get done her abortion and further looking to the impact of granting anticipatory bail to the applicants on society, this Court is not inclined to grant anticipatory bail to the applicants.
7. Accordingly, anticipatory bail application filed under Section 438 of CrPC is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**