

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7499 of 2017

- Deepak Raj S/o Nehru Raj Aged About 24 Years R/o Bada Bazaar, Chirmiri, P. S. Chirmiri District Korea Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through In Charge Officer Of P. S. Chirmiri District Korea Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Shishir Dixit, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 92/2016, registered at Police Station- Chirmiri, District – Korea(C.G.) for the offence punishable under Sections 147, 148, 506, 294, 323 and 315 of the Indian Penal Code(for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. No case is made out under Section 315 of IPC as evidence of prosecution do not show that applicant had any intention to cause miscarriage of the victim of this case. Applicant is a government servant working as Krishi Vikas Adhikari, Baloda Bazar. He is willing to abide by all the conditions and direction, which may be imposed on him while granting bail. Hence, it is prayed that applicant

be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the Smt. Deepanjali Raj/victim has clearly stated that applicant knowing that she was pregnant, however, he kicked on her abdomen because of which miscarriage had taken place. Hence, applicant is not entitled with the grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, applicant, the complainant and others were picking wood and other material for festival of 'Holi', on being stopped to do so, applicant and others came to the house of complainant Philip Raj, who assaulted and caused injuries to Philip Raj when the victim Deepanjali came between to intervene, at that time, she was kicked on her abdomen by applicant because of which the miscarriage has taken place.
6. Considering on the submissions and contents of the case diary, taking into consideration the evidence that is proposed by this applicant, I am of this view that applicant deserves to be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing 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, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

