

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5503 of 2018**

Shailendri @ Madhuri Paikra W/o Late Bharat Lal Paikra, Aged
About 51 Years, R/o- Village Madhi, Police Station Dharsiwa,
District- Raipur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police
Station Dharsiwa, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/08/2018**

This is a repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 02.01.2018 in connection with Crime No. 340/2016 registered at Police Station- Dharsiwa, District Raipur (CG) for the offence punishable under Sections 498A, 313 & 34 of IPC.

2. The earlier bail application stood rejected vide order dated 12.03.2018 in MCRC No. 396/2018.

3. Counsel for the applicant submits that so far as the offence under Section 498A of IPC is concerned, the applicant had already been granted by the trial Court itself, however, it was subsequent that the offence under Section 313 of IPC was charged against the applicant and therefore, she had surrendered herself before the Police on 02.01.2018

and since then she is in jail.

4. So far as the offence under Section 313 of IPC is concerned, contention of the counsel for the applicant is that the marriage of the complainant Punam Paikra with co-accused Roshan Paikra took place on 16th of June, 2014. In the complaint the complainant has specifically mentioned that she had got conceived from Roshan Paikra and it was the present applicant who had given her some pills for termination of pregnancy and the said act on the part of the applicant was just within 2 or 3 months from the date of marriage. Counsel for the applicant submits that as per the seizure memo dated 15.11.2016, the pills which are said to have been given for consumption to the complainant by the applicant showed the manufacturing date as March, 2015 which itself shows that the story of the prosecution so far as the applicant providing pills to the complainant for termination of her pregnancy stands disproved. In addition, the applicant has already remained in custody for a period of more than 7 months and also considering the fact that the applicant is a lady, she may be considered for grant of bail.

5. State counsel, however, opposing the bail application submits that there are serious allegations levelled against the applicant and her bail application has already been rejected by this Court once and therefore, she does not deserve to be release on bail.

6. Considering the entire facts and circumstances of the case, particularly taking note of the date of manufacturing of the pills allegedly given to the complainant by the applicant for consumption appears to have been manufactured subsequent to the period when she was forced to consume the pills and also taking note of the fact that the applicant is a middle aged lady and has already remained in custody for more than 7

months, in addition, for the offence under Section 498A of IPC she has already been granted bail by the trial Court, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on her 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 her appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**