

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7145 of 2018**

1. Mahesh Kori S/o Laxman Kori Aged About 44 Years
 2. Smt. Meena Kori W/o Mahesh Kori Aged About 38 Years
- Both are R/o- Village Harratola, Police Station Gaurela, Tehsil Pendra Road, District- Bilaspur, CG

---- Applicants

Versus

State of Chhattisgarh Through- Police Station Gaurela, District- Bilaspur, CG

---- Respondent

For applicant	Mr. Prakash Mishra, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order on Board****13-11-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 200/2018 registered in police station Gaurela, Distt. Bilaspur (CG) for offence punishable under Section 376, 366 and 313 of the IPC.
3. Case of the prosecution in brief is that applicants are father and mother of co-accused Rahul Kori. Co-accused Rahul Kori committed rape with the prosecutrix as a result of which she became pregnant. The applicants took the prosecutrix to one Chamaliya Bai for terminating her pregnancy. The prosecutrix was kept there for 3 days. Said Chamaliya Bai massaged her abdomen for 3 days as a result of which her pregnancy was terminated.
4. State counsel has not produced case diary of the case. Counsel for the applicants has produced photo copy of charge sheet.
5. Counsel for the applicants argued that the applicants are

innocent and falsely implicated. He further submits that names of the applicants have not been mentioned in the FIR, medical report does not support the prosecution case regarding applicants. Hence they may be released on bail.

6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
7. As per photocopy of the arrest memo which is a part of the charge sheet, no criminal antecedent is reported against the applicant.
8. Looking to the above facts and circumstances of the case, and the role assigned to the applicants in the offence, the application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge