

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 935 of 2017

- Smt. Jolly Baghel W/o Shri Mahendra Baghel Aged About 39 Years Permanent R/o Gauri Nagar, Ward No. 14 , Thana - O.P. Chikhli Rajnandgaon Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge, Police Station Dongargarh District Rajnandgaon Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicant : Mrs. Fouziya Mirza, Advocate.
For Respondent : Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/02/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.221/2017 registered at Police Station-Dongargarh, District – Rajnandgaon(C.G.), for the offence punishable under Sections 376, 313 & 493/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that even if the statement of the prosecutrix is taken as it is, it was not this applicant, who forcefully administered any medicine to cause the abortion of her pregnancy and neither she had any intention to do so, therefore, no case is made out against her. Hence, she is entitled with the grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions. It is submitted that it was applicant, who provided with the medicine which was used to cause abortion of the pregnancy of the prosecutrix. Hence, she is not entitled with grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. As the case against this applicant is this, that while in company with the main accused Karan Thakur in Bhopal, prosecutrix and the main accused performed a marriage in a temple and, thereafter, both of them lived together for some time and the prosecutrix got pregnant. At that time she was taken by the mother and brother of the main accused to Parekh Nursing home, Rajnandgaon, where this applicant was working as a nurse. On the asking of the mother of the main accused, one medicinal tablet was provided by this applicant, thereafter, the other accused persons forcefully administered it to the prosecutrix. It is alleged that because of the administering of this medicine, the pregnancy of the prosecutrix aborted on 5.5.2017, subsequent to that FIR was lodged.
6. Considered.
7. On perusal of the case diary and the evidence present, it appears that the argument submitted on behalf of this applicant has some force. Hence, under these circumstances, I am of this opinion that this is a fit case for grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on his executing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge