

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7701 of 2017

- Ramkripal Panika S/o Dharampal, Aged About 40 Years, Caste Panika, R/o Village Ujiyarpur, Police Station Podi, District Koriya Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Podi, District Koriya Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Ms. Sharmila Singhai, Advocate.

For Non-applicant/State – Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court. The applicant has been arrested on 22-08-2017 in connection with Crime No.117/2017 registered at Police Station Podi, District Koriya, Chhattisgarh for the offence under Section 363, 366, 376(2)(ढ), 368, 315, 34, 313 of the IPC and Section 5(ढ), 5(10-2) and 3-1(ब -11) of Protection of Children from Sexual Offences Act, 2012 and Section 3(2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant on the basis of material present in the case diary and the charge sheet filed against this applicant. As alleged, the applicant was the person who induced the complainant, the prosecutrix to take the medicine which resulted in her abortion, but this allegation does not find support from the medical examination of the prosecutrix. The applicant is in jail since 22-08-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and

submission made. It is submitted that the applicant is not entitled for grant of regular bail for the reasons that age of the prosecutrix on the date of incident was about 15 years and this applicant knowingly assisted in commission of crime.

4. Heard learned counsel for the parties and perused the case diary.

5. The prosecutrix lodged the FIR alleging that co-accused Sandeep Panika allured her with promise of marriage and got her submission to physical relationship, because of which, the prosecutrix became pregnant. This applicant on coming to know about the pregnancy forced the prosecutrix to consume some medicine, because of which, her pregnancy got aborted. Subsequent to that, the prosecutrix stayed for some time in the house of the applicant and co-accused Sandeep Panika. Thereafter, she was driven out. After completion of the investigation, charge sheet has been filed.

6. Considered on the submissions made and contents of the case diary.

7. Upon perusal of the case diary, it appears that there is no mention of specific date and time on which the prosecutrix was pregnant and similarly there is no mention of specific date and time on which she got aborted, neither there is any other evidence in this respect. The medical examination report also does not make any mention about earlier pregnancy and abortion of the prosecutrix. On going through the material in record of the case diary particularly the role alleged to be played by this applicant, I am of this view that the applicant should be granted regular bail in the present matter.

8. Consequently, the application (MCRC No.7701/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge