

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 315 of 2019**

Smt. Kalyani Dey W/o Shri Anjan Dey Aged About 55 Years Occupation -
A.N.M. Sub Health Center Kurra, Tahsil Dharsiva, R/o Sai Nagar, Dharsiva
P.S. Dharsiva District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station -
Dharsiva District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri J.N. Nande, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 511 of 2018, registered at Police Station Dharsiva, District Raipur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 5 of the Medical Termination of Pregnancy Act, 1971.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. There is no evidence by way of seizure of any injection or medicine from the applicant. The medical report does not disclose that the prosecutrix had undergone any medical termination of pregnancy therefore, a false FIR has been lodged against the applicant and the allegations made against her are totally false and baseless. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear and categorical statement made by the prosecutrix against the applicant that she at the instance of the co-accused forcibly administered medicine and injection to her which resulted in abortion. It is further submitted that the investigation is still pending against her and she may be required for custodial interrogation in this case. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. FIR has been lodged alleging that the main accused sexually exploited the minor prosecutrix for a couple of months and when she became pregnant, with the help of the applicant, the prosecutrix was administered medicine and injection for causing miscarriage.

7. Considering the submissions and the contents of the case diary, I am of the considered view that this is not a fit case to release the applicant on anticipatory bail.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected. However, the trial Court is directed that on applicant surrendering before the trial Court within a period of 18 days from today her bail application may be considered and decided as expeditiously as possible, preferably on the same day.

Sd/-

(Rajendra Chandra Singh Samant)
Judge