

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 444 of 2019**

Chameshwar Lal S/o Late Dwarika Ram Sahu Aged About 48 Years Cast Teli, R/o Village Dhanapuri, Tahsil Gurur, District Balod Chhattisgarh. (Accused), District : Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicant : Shri Amiyakant Tiwari, Advocate.
For the Respondent/State : Shri Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.03.2019**

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. 26 of 2019, registered at Police Station Gurur, District Balod, Chhattisgarh for the offence punishable under Sections 376, 313 and 506/ 34 of the Indian Penal Code.

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. The

main accused in this case Lokesh has been granted anticipatory bail by this Court. The only statement against this applicant is that on the advice of this applicant the main accused forcefully administered some medicines to the prosecutrix because of which, her pregnancy got aborted. There is no evidence to prove that this applicant had advised and provided any medicine to the main accused. 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 according to the statement of the prosecutrix she had a pregnancy of about 2 ½ months and the main accused forced her to take medicine for abortion which was advised by this applicant. 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. According to the FIR lodged, co-accused – Lokesh and the prosecutrix had an affair since the year 2016 because of which, the prosecutrix got pregnant in the month of August, 2018. Main accused – Lokesh pressurized and forced the prosecutrix to get the pregnancy aborted and which was aborted with the help of this applicant. Subsequently, FIR has been lodged on 4.2.2019 by the prosecutrix. Hence, this case.

7. In the further development that has taken place which is reflected from the order rejected by the Court below that co-accused – Lokesh and the

prosecutrix both have married subsequent to lodging of FIR. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

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, he shall be released on bail by the Officer arresting him on executing a personal bond in 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 himself 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 them 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge