

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5717 of 2019

- Avinash Kumar Gautam S/o Premnarayan Aged About 25 Years R/o Village Samhuta, Post Office Udaypur, Police Station Sambholi, District Rohtas (Bihar). Present Address - M.I.G. 975 Housing Board Colony, Bhilai, Police Station Jamul, Tahsil And District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, Police Station Chhawani, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

 For Applicant : Shri Ashish Gupta, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

06.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.136/2019, registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Section 314 of the IPC.
3. As per the case of prosecution, the applicant and the deceased were in illicit relationship, due to which the deceased became pregnant and to cause miscarriage, the applicant administered her 5 tablets and on account of heavy bleeding, the deceased died.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the deceased and the applicant were loving each other and she herself had consumed the tablets for aborting the child. He submits that the charge sheet has been filed and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and charge sheet has been filed, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE