

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6468 of 2019

- Lalita Agaria W/o Late Pati Ram Agaria Aged About 35 Years
R/o Village Jajga, Police Station - Sitapur, District - Surguja
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Lemru, District
Korba Chhattisgarh.

---- Respondent

For Applicant	: Shri Mirza Kesar Baeg, Advocate
For Respondent/State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.14/2019 registered at police station Lemru, District Korba (CG) for the offence punishable under Section 313/34 IPC.

As per prosecution case, complaint was lodged by the prosecutrix who was aged about 16 years against the applicant and co-accused persons that on the pretext of marriage, one Sampat Bhinjwar committed sexual intercourse and when she became pregnant, the present applicant along with the co-accused persons illegally caused miscarriage without her consent.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the main allegation is against the co-accused Sampat and that similarly placed co-accused have been granted bail by this Court in M.Cr.C. No. 6190/2019, therefore the present applicant may also be granted the benefit. He submits that the applicant is in jail since 05.08.19; the charge sheet has been filed; the offence is triable by Magistrate First Class and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore she may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release her on regular bail. Accordingly, her application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, she shall be released on bail.

Sd/-
(Rajani Dubey)
Judge