

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 59 of 2020

1. Satish Yadav S/o Ramsarajan Yadav, aged about 23 years, R/o Village Parpatiya, Police Station Kamleshwar, Tahsil - Mainpat, District Surguja Chhattisgarh.
2. Kunna @ Kumundar Yadav S/o Jawahir Yadav, aged about 23 years, R/o Village Parpatiya, Police Station Kamleshwar, Tahsil - Mainpat, District Surguja Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana, Ambikapur, District Surguja Ambikapur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/06/2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No. 70/2019, registered at Police Station: Mahila Thana, Ambikapur, District: Surguja (Ambikapur) (C.G.) for the offence punishable under Section 376, 315 & 34 of IPC and Section 06 of POCSO Act, 2012.
3. In this case, the age of the prosecutrix is about 14 year 02 months. As per the prosecution story, the father of the prosecutrix lodged a report alleging therein that on 05.05.2019 at around 06:30-07:00 PM, the co-accused on the way caught her daughter and committed sexual intercourse with her when she was going from her old to new house. After some days, the prosecutrix got pregnant. Allegations against the present Applicants is that, the present Applicants have fed medicine to abort the child of the prosecutrix and as the result of which she got mis-carriage. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case. He submits that Prima Facie no case is made out against the present Applicants because the main allegations of rape are against the co-accused Jaybhagwan and in her Court statement recorded under Section 164 of Cr.P.C, prosecutrix herself admitted the fact that on 01.12.2019 itself her delivery was done and she gave birth to a child and after 15 days, the child was dead therefore, Prima Facie no case of Section 315 of IPC is made out, therefore, it is prayed that the Applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments advanced by the counsel for the parties and on perusal of the statements, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
8. Accordingly, this anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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 him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge