

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2010 of 2020

Loharin Alias Tubal Bai W/o Bifan Agaria Aged About 40 Years R/o Gram - Bulga Karchadand, Thana - Lundra, District - Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Police Station - Lundra, District - Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.144/2019, registered at Police Station – Lundra, District – Surguja (C.G.) for the offence punishable under Section 376 2D, 314, 304/34, 314/34, 315/34, 506/34 of the Indian Penal Code and Section 5E, 6 and 5 J(ii) of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 05.12.2019. Illegal

abortion was carried out by the co-accused Gloria Kispotta, who has been granted bail by the Co-ordinate Bench of this Court. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that illegal abortion was carried out in the house of this applicant and some medicine etc. have been seized from her residential premises, therefore, her involvement in the commission of crime can not be ruled out. Therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the deceased/minor victim was sexually exploited by the juvenile in conflict with law, because of which minor victim became pregnant. Subsequent to that with the help of other co-accused persons, the procedure for terminating the pregnancy of the minor victim was carried out by the co-accused Gloria Kispotta, in the house of this applicant, as a result of which, the victim expired. Hence this case.
6. Considering that the co-accused Gloria Kispotta, who is alleged to have carried out the illegal abortion have already been granted bail by the Co-ordinate Bench of this Court, therefore, on the ground of parity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram