

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 822 of 2020

- Smt. Pawaro Devi W/o Shri Dariyar Prasad, Aged About 35 Years Caste Rajwar, Occupation - Housewife, R/o Village Kerakachar, Police Station and Tahsil Ambikapur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through, Station House Officer, Police Station Darima, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Shri C.J.K. Rao, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14/09/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending her arrest in connection with Crime No. 46/2019 registered at Police Station Darima, District – Surguja, (C.G.) for the offence punishable under Sections 376/2/(n), 313, 506, 34 of the Indian Penal Code.
3. In this case prosecutrix is a lady aged about 23 years. On 6.4.2019, prosecutrix lodged a report against co-accused Ashish Rajwade and present applicant alleging therein that co-accused Ashish Rajwade committed sexual intercourse with her on pretext of marriage due to that she got pregnant. It is further alleged by prosecutrix that

thereafter co-accused Ashish Rajwade with the help of present applicant got aborted her child in the hospital. Allegation against present applicant is that she introduced herself as the mother of the prosecutrix in the hospital. On the basis of the said report, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no offence under Section 313 of the I.P.C. is made out against present applicant. It is further submitted that prosecutrix herself has admitted that fact that she has taken medicines to abort the pregnancy, thus, no offence under Section 313 of the I.P.C. is made out against applicant. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, looking to the allegation made against present applicant and after going through the statement of the prosecutrix recorded under Section 161 of Cr.P.C., without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.

9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, she shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. She shall also abide by all the following terms and conditions :

- (i) She 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 her from disclosing such fact to the Court,
- (ii) She shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) She shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge