

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 585 of 2020**

1. Krishan Kumar Banjare, S/o Mr. Bishat Ram Banjare, Aged About 32 Years R/o Village And Post Matwari, P.S. Anda, Tehsil And District Durg. Present Address Housing Board Colony, Kolihapuri, P.S. Pulgaon, District Durg Chhattisgarh.
2. Smt. Chanchal Sonboir, W/o Mr. Ramesh Sonboir, Aged About 46 Years R/o Housing Board Colony, Kolihapuri, P.S. Pulgaon, District Durg Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For Applicants : Shri Raza Ali, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****01/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.136/2020 registered at Police Station Pulgaon, District Durg, (C.G.) for the offence punishable under Sections 313, 506, 34 of I.P.C.
2. According to the case of the prosecution, applicant No. 1 is the husband of the complainant. On 19.3.2020, F.I.R. was lodged by the complainant alleging therein that on 28.08.2018 applicant No.1 with the help of applicant No. 2 tried to make abortion of the complainant by giving her medicines, thereafter, they threatened her that if she will

disclosed the fact, they will kill her. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that applicants are innocent and have been falsely implicated in the present case. He further submits that due to some dispute, complainant left the company of her husband i.e. applicant No. 1. Firstly, in the year 2019, complainant made a report against present applicant relating to offence under Section 498-A of I.P.C. Thereafter, in the same year itself, she again made a complaint relating to Chhattisgarh Tonahi Pratadna Nivaran Act, 2005 and in the both above mentioned cases, applicant No.1 was granted bail. Thereafter, to create further pressure, a false and fabricated complaint was lodged by the complainant. It is further submitted that the alleged incident occurred in August, 2018 and F.I.R. was lodged after a gap of one and a half year i.e. in March, 2020. Therefore, it is prayed that applicants may also be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, particularly considering the fact that alleged incident occurred in August, 2018 and F.I.R. was lodged after a gap of one and a half year i.e. in March, 2020, further considering the fact that no such allegation of abortion was mentioned in the two other complaints made by the

complainant in the year 2019, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :

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

Sd/-
(Arvind Singh Chandel)
Judge