

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7275 of 2019**

1. Madhusudan Agariya @ Mangal Say And Anr. S/o. Nuku Agariya Aged About 69 Years R/o. Jajga, Katrapara, District Surguja Chhattisgarh.
2. Bifiya W/o. Madhusudan Agariya Aged About 66 Years R/o. Jajga, Katrapara, District Surguja Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. M.K. Baeg, Advocate.
For Respondent	:	Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.01.2020**

- The accused/applicants have moved these first bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 14/2019 registered at Police Station - Lemru, District Korba (C.G.) for the offence punishable under Sections 313/34 of IPC.
- The prosecution story in brief is that, complaint was lodged by the prosecutrix, who was aged about 16 years, against the applicant and other co-accused persons alleging that one Sampat Bhinjwar committed sexual intercourse on the pretext of marriage and when she became pregnant, the present applicants along with the co-accused persons illegally caused miscarriage without her consent. On the basis of that, offence has been registered against the applicants and they have been arrested.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in

the case. He further submits that main allegation is against the co-accused Sampat Binjwar and that similarly placed co-accused have been granted bail by this Court in MCRC Nos. 6190/2019 and 6468/2019, therefore, the present applicants may also be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the fact that main accused is Sampat Binjwar and other co-accused persons have been granted bail by this Court, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu