

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 142 of 2020**

- Aarti Sahu W/o Hitosh Sahu Aged About 27 Years R/o Near Durga Mandir, Amlidih, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Ankita Shriwas, Advocate.
For Respondent/State	:	Mr. Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 0396/2019 registered at Police Station - New Rajendra Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Sections 376(2)(n), 313 & 506 of IPC and Section 6 of POCSO Act.
2. As per the prosecution case, co-accused namely Ajay Sahu committed rape on prosecutrix, thereafter promised to marry her and further continuously & repeatedly did the same. When prosecutrix got pregnant, co-accused Ajay Sahu gave her a medicine, which was given by the present applicant, and aborted the fetus. Based on that, offence has been registered against the applicant and she has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She

further submits that the main allegation is against the co-accused Ajay Sahu, present applicant is a *Mitanin*, Accredited Social Health Worker under the national Health Mission and she is given 13 kinds of medicines which she is to distribute and the medicine which is administered by the prosecutrix is totally different. Referring to Annexure A/7 (affidavit of the prosecutrix), counsel for the applicant would submit that the prosecutrix filed an affidavit in which she has categorically stated that the present applicant has not given her the medicine. She also added that the applicant is in jail since 06.12.2019 and she is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the said Court on each and every date given to her by the said Court.

Sd/-
(Rajani Dubey)
Judge