

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 243 of 2021

- Dr. Aseem Kumar Sikdar S/o Sitanath Sikdar, Aged About 49 Years
R/o Adarsh Nagar, Sitapur, Police Station - Sitapur, District -
Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police
Station, Sitapur, District - Surguja Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Kapil Maini, Advocate
For Non-Applicant/State	:	Ms. Shubhra Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/02/2021

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 on 8.12.2020 in connection with Crime No.168/2020, registered at Police Station- Sitapur, District- Surguja(C.G.) for the offence punishable under Sections 376(2)(n), 313 of the IPC.
2. Case of the prosecution is that the prosecutrix lodged a report on 19.10.2020 that one Vinay Khakha committed sexual intercourse with her on the pretext of marriage since 2018 to 2020 and in between this period she became pregnant for 2-3 times and the present applicant who is co-accused assisted Vinay Khakha in aborting her child. Based on this, an offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been

falsely implicated in the case. He submits that the applicant has no role in the abortion and pregnancy of the prosecutrix; the applicant is a kidney patient and requires dialysis on regular basis, the document is Annexure A2 and he needs proper care. He submits that charge sheet has been filed and no offence is made out against the applicant, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submissions made by learned counsel for the parties and the fact that there is no allegation against the applicant regarding rape and only allegations against him is that the prosecutrix was taken before him for abortion and he is a kidney patient and requires dialysis and main allegations are against Vinay Khakha; the detention period and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge