

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 22 of 2021**

- Vijaymoti Patel, W/o Ashok Patel, Aged About 45 Years, R/o Village- Pirda, P.S.- Basna, Tahsil- Pithora, District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Chakradhar Nagar, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Raghavendra Pradhan, Adv.

For Respondent/State : Shri Vimlesh Bajpayee, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.06.2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No. 228/2020 registered at Police Station- Chakradhar Nagar, District- Raigarh (C.G.) for commission of the offence punishable under Sections 376, 313, 506, 34 of IPC.
3. Case of the prosecution is that, it has been alleged that on the pretext of marriage, the accused Gajadhar Patel (son of applicant) committed sexual intercourse with the prosecutrix, due to which she became pregnant and after knowing the fact regarding pregnancy, the accused person have miscarried the pregnancy of the prosecutrix. Based on this, offence was registered against the present applicant.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this

case. He further submits that the evidence collected by the prosecution are not *prima facie* sufficient to hold the applicant guilty of the alleged offence and applicant has never miscarried the pregnancy of prosecutrix, therefore, the present applicant may be granted anticipatory bail.

5. On the other hand, counsel for the State however opposes the application for anticipatory bail by submitting that there are specific allegations against the present applicant, therefore, no case is made out to release her on anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, she shall be released on bail on her furnishing a personal bond in the sum of Rs. 25,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make herself available for interrogation before the concerned investigating officer as and when required.
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**