

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 140 of 2021**

1. Yadlal, S/o Jivan Lal @ Bisahu Kashyap, aged about 38 years, R/o Village Salkhan, P.S. Sheorinarayan, District Janjgir-Champa (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sheorinarayan, District Janjgir-Champa (CG)

---- Non-Applicant

For Applicant : Shri Sumit Singh, Advocate.
For Non-Applicant : Shri Arjit Tiwari, Panel Lawyer.

Proceeding Through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board****13/07/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.6/2007, registered at Police Station Sheorinarayan, District Janjgir Champa for offences punishable under Section 134/34 of the IPC.
2. The present crime has been registered against 3 accused namely, the present applicant Yadlal, Dr. N.R. Sarkar and one Hiramani Kashyap on 6.1.2007 for an incident which happened on 28.11.2006. On the said date, the present applicant Yadlal and Hiramani brought the deceased Mohanmati to the third accused Dr. Sarkar, an unqualified doctor (quack), for her abortion, as she was carrying pregnancy on account of her sexual relations with the present applicant and Hiramani. It is alleged that the prosecutrix was bleeding, therefore, she was taken to Dr. Sarkar for abortion, who administered an injection for stopping the

bleeding, but it did not stop and subsequently her condition deteriorated and she died.

3. Admittedly, during her life time, the deceased had not filed any complaint regarding commission of rape either by the present applicant or by Hiramani. Her diary statement or dying declaration has not been recorded. The entire case is based on statement of her father Motelal, who is also an informant. The incident happened prior to 17.11.2006, the date on which she was taken to Dr. Sarkar. The charge sheet was also filed on 4th July, 2007.
4. Considering the entire fact situation of the case and for the fact that the deceased had not lodged any complaint regarding commission of rape, as also for the reason that almost 14 years have elapsed after filing of the charge sheet, but there seems no effort by the Investigating Agency to arrest the applicant, I am inclined to release him on anticipatory bail.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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 facts to the Court or to any police officer.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice