

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1587 of 2021**

1. Smt. Shanti Bai, W/o Ganesh Ram Patel, aged about 46 Years,
2. Smt. Neer Bai, S/o Manoj Kumar Patel, aged about 25 Years,

Both Are R/o Village Chisda, Police Station Pachpedi, District Bilaspur, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants	Mr. Goutam Khetrapal, Advocate.
For State	Ms. Richa Shukla, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****10/05/2021**

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.176/2020 registered at Police Station Pachpedi, District Bilaspur, C.G. for the offence punishable under Sections 376, 294, 323, 506, 313/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that prosecutrix was having relationship with Amarnath Patel since 2014. On 09.11.2016, Amarnath Patel on his birthday came to the house of prosecutrix,

and on that day no other family members of the prosecutrix was present. Amarnath Patel made physical relations with her on the pretext of marriage and this continued for three years and she became pregnant. When she went to the house of Amarnath Patel, he ran away and his family members i.e. mother, father, brother and sister-in-law assaulted her.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He submits that allegation of developing physical relationship on the pretext of marriage is against Amarnath Patel only. When prosecutrix tried to enter the house of applicants, it was objected by other family members and present applicants then false and frivolous allegations have been leveled against them. Applicants are languishing in jail since 16.12.2020, they have no criminal antecedents, conclusion of trial is likely to take some time and that co-accused persons namely Ganesh Ram Patel and Manoj Kumar Patel in this case have already been granted regular bail by the Co-ordinate Bench of this Court in MCRC No.536 of 2021 vide order dated 02.03.2021. Therefore, the applicants be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, there is no specific allegation made against the present applicants except that they caused abortion of the prosecutrix by administering certain

medicines, the main allegation was only against the Amarnath Patel who made physical relations with the prosecutrix, charge sheet has already been filed, the fact that the co-accused persons in this case Ganesh Ram Patel and Manoj Kumar Patel have already been granted regular bail by the Co-ordinate Bench of this Court, the detention period of the applicants, who are 46 & 25 years of age, and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.10,000/- with one surety to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they 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,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
(Vacation Judge)