

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1797 of 2021

- Parmeshwar Lal Sahu S/o Shri Geeta Ram Sahu Aged About 29 Years R/o Adarsh Nagar Sirgitti Police Station Sirgitti Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh

---Respondent

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Respondent/State – Shri Anmol Sharma, P.L.

For Objector - Shri Bhuvneshwar Singh Rajput, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order

05/07/2021

Heard.

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19.02.2021 in connection with Crime No.233/2021 registered at Police Station- Civil Line, Bilaspur District Bilaspur C.G. for the offence punishable under Section 376 of I.P.C.
2. As per the prosecution case, the applicant in the pretext of the marriage committed sexual intercourse with the prosecutrix and thereafter prosecutrix became pregnant and she was forcefully

aborted thereafter when the applicant refused to marry her, the offence was registered and the FIR was lodged.

3. Learned counsel for the applicant submits that in respect of the abortion or pregnancy the charge sheet is silent and there is no medical evidence. He further submits that in respect of pregnancy the prosecutrix is 25 years old and she was consenting party. Therefore, no forceful rape has been committed, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and read out the Statement under Section 169 of the Cr. P.C.
5. Learned counsel for the objector also opposes the prayer for grant of bail.
6. Considering the fact that charge sheet has been filed and further the venue of the incident is alleged to be some hospital and considering the medical report, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

(Goutam Bhaduri)

Judge