

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2660 of 2021

- Dr. Kavita Lal W/o Dr. Dinesh Lal, Aged About 49 Years, R/o Pachpedi Naka Raipur, House No.148, Police Station Kotwali, District- Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through: The Police Station Piparchhedi, District- Gariyaband (Chhattisgarh), District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri Goutam Khetrapal and Shri Harshwardhan Parganiha, Advocates.

For Non-applicant/State – Shri Ashish Tiwari, Govt. Advocate.
Shri Kapil Maini, Advocate for the victim/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-03-2021 in connection with Crime No.22/2020 registered at P.S. - Piparchhedi, District- Gariyaband, Chhattisgarh for the offence under Section 376 (2) ढ, 506, 313, 34 of the IPC, Section 4, 6 of Protection of Children from Sexual Offences Act and Section 3(2)(V)ढ of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (as per Charge Sheet).

2. It is submitted on behalf of the applicant that the applicant is innocent and she has been falsely implicated in this case. This Court has earlier granted temporary bail to the applicant by order dated 13-04-2021, which was further extended by order dated 30-04-2021. The statement of the prosecutrix under Section 164 of the Cr.P.C. itself shows that the applicant has not forced the prosecutrix for any abortion, therefore, the case is not covered under Section 313 of the IPC. Further, the prosecutrix has herself no objection in grant of bail, regarding which she has appeared on 13-04-2021 and made such statement.

Therefore, it is prayed that this applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the evidence is very clear that this applicant had illegally aborted 8 months pregnancy of the minor victim which is also prohibited under the Medical Termination of Pregnancy Act, 1971. Therefore, this applicant is not entitled for grant of bail.

4. Shri Kapil Maini, counsel appearing for the complainant submits that the complainant has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the minor prosecutrix was sexually exploited by co-accused, because of which she became pregnant. The FIR was lodged, subsequent to which the prosecutrix was taken to a private medical center run by this applicant, where her pregnancy was confirmed and then procedure for abortion of pregnancy was carried out by this applicant. Hence, this case.

7. Considered on the submissions and facts present in the case. As at present charge sheet has been filed and the case is now pending for trial and also looking to this fact that the applicant was earlier granted temporary bail and she has not misused that liberty, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge