

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4667 of 2021**

Paleshwar Thakur S/o Late Kishan Thakur, aged about 22 years, R/o. Baazar Chowk Marra, Tehsil-Patan, P.S. Utai, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the District Magistrate, District Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Astha Sharma, Advocate.
For the Respondent/State	:	Shri Alok Nigam, G.A.
For the Complainant	:	Ms. Madhunisha Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.7 of 2021, registered at Police Station – Utai, District – Durg, Chhattisgarh for the offence punishable under Sections 376, 313, 506, 34 and 120B of the Indian Penal Code and Sections 5(th) & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.3.2021 and has been falsely implicated in this case. This applicant is not the person who has raped and ravished the victim in this case. The only allegation against the applicant is that he assisted the main accused in getting the pregnancy of the prosecutrix aborted in the hospital, which is

totally false. The charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has made serious allegations against this applicant not only regarding assisting in the abortion of her pregnancy but also that he is continuously threatening her. Hence, no case is made out for grant of regular bail to the applicant.

4. Learned counsel for the objector adopts the arguments submitted by the State counsel and submits that the prosecutrix had very clearly made the allegation against the applicant about his willful participation in the act of illegal abortion that was conducted on the pregnancy of the prosecutrix. Subsequent to that, the family members of the applicant are continuously threatening the prosecutrix and her family regarding which, a complaint has been lodged in the police station. Hence, for these reasons, the applicant is not entitled for grant of regular bail.

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

6. As per the prosecution case, main accused – Om Prakash forcibly raped the minor prosecutrix and subsequent to that, by putting her under threat he has continuously raped her on number of occasions. The minor prosecutrix became pregnant. The co-accused deceived the prosecutrix that he will marry her after she aborts the pregnancy and the prosecutrix getting

induced went for abortion in which, this applicant has accompanied them to the hospital. Subsequent to which, her pregnancy was aborted.

7. Considered the submissions and the facts present in this case. According to the facts of the case present, the name of this applicant has appeared at the later stage and as alleged, he was present only to assist the main accused for getting the pregnancy of the prosecutrix aborted. Although, there is objection that the family members of the applicant are threatening the prosecutrix and her family members regarding which, this applicant cannot be held responsible and if any such incident occurs then the complainant/ prosecutrix has the option to complain against the persons concerned, which she has already done. Hence, for these reasons, I feel inclined to grant regular bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge