

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No. 6671 of 2021

Dr. Veronika Surin W/o Late Dr. R.K. Surin, Aged About 66 Years, R/o Viraj Nursing Home, Near Bus Stand, Tapkara Road, Kunkuri District Jashpur Chhattisgarh. (Mobile No. 9561983006).

---- Applicant

Versus

State of Chhattisgarh Through Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. D.K. Gwalre, Advocate.
For State	: Mr. Adil Minhaj, GA.
	Prosecutrix is present in person through virtual mode.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

04/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.16/2020, registered at Police Station -Narayanpur, District Jashpur, (C.G.), for commission of offence punishable under Sections 376, 313, 506, 120-B of the Indian Penal Code and Section 5 & 6 of the Protection of Children from Sexual Offences Act 2012.
2. Case of the prosecution in brief is that prosecutrix was studying in the school. As per allegation she was subjected to sexual intercourse by accused Rashid Khan (teacher of School) upon which she became pregnant. She was taken to the Doctor by her parents where upon examination she was reported to be pregnant. She was taken to hospital of applicant where her pregnancy was terminated. Based upon written report, aforementioned crime is registered against applicant and other co-accused persons.
3. Learned counsel for the applicant submits that there are as many as 5 accused persons including present applicant. Other co-accused persons have been

granted regular bail by the co-ordinate bench of this Court. Co-accused Rashid Khan against whom allegation of commission of sexual intercourse was alleged by prosecutrix is also enlarged on regular bail in second bail application. He has placed on record copies of the order of grant of bail to the co-accused persons including main accused Rashid Khan. In application for grant of bail filed by applicant before Court below prosecutrix and her father appeared and have submitted their no objection on release of applicant on bail. Applicant is a lady doctor, aged about 66 years and is in jail since 24.07.21. Hence, she may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that Police during the course of investigation has recorded statements of employees of hospital of applicant under Section 161 of Cr.P.C, who stated that prosecutrix was admitted in hospital and her pregnancy was terminated. Medical prescription written by applicant is also available in case diary which shows prima facie involvement of applicant in commission of crime under Section 313 of IPC. Hence, she is not entitled for grant of bail.
5. Learned counsel for the applicant at this stage submits that it is not in dispute that prosecutrix was treated in hospital of applicant but for some other treatment and not for termination of pregnancy. Applicant has not terminated the pregnancy of prosecutrix as alleged against her in case diary. Prosecutrix was examined before the Trial Court, she turned hostile and not supported the case of prosecution in any manner even the fact of her admission to the hospital of the applicant.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, submissions made by learned counsel for the parties, evidence of prosecutrix recorded before the Trial Court, applicant is a woman Doctor aged about 66 years, period of pre-trial detention since 24.07.2021, without

commenting anything on merits of the case, I am inclined to allow this bail application.

8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on her furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) She shall not, in any manner, tamper with the prosecution witnesses.
- c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-