

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1654 of 2020**

1. Miloni Kashyap @ Milotin, W/o Badriprasad Kashyap, Aged About 70 Years, R/o Chorbhatti, Police Station Navagarh, District Janjgir Champa Chhattisgarh.
2. Kavita Kashyap, W/o Shiv Kumar Kashyap, Aged About 26 Years, R/o Chorbhatti, Police Station Navagarh, District Janjgir Champa Chhattisgarh.
3. Shiv Kumari Kashyap, D/o Badriprasad Kashyap, Aged About 30 Years, R/o Village Chorbhatti, Presently R/o Kuriyari, P.S. Shivrinarayan, District Janjgir Champa Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through: Police Station- Navagarh, District- Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sumit Singh, Adv.
For Respondent/State	: Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.04.2021**

1. The matter is heard through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No. 303/2020 registered at Police Station- Navagarh, District- Janjgir Champa (C.G.) for commission of the offence punishable under Sections 376, 313, 511, 323, 506-B of IPC.
3. Case of the prosecution is that, on 29.10.2020, prosecutrix lodged a complaint alleging that co-accused namely Shiv Kumar have been made physical relationship with the prosecutrix since 2012 on the false pretext of marriage, due to which she became pregnant and the co-accused made an attempt to abort the pregnancy but prosecutrix gave birth to a child. Further it has been alleged that on 20.10.2020, the co-accused namely Shiv Kumar took the prosecutrix to his house and made sexual relation with her and, thereafter, the present

applicants assaulted the prosecutrix. Based on this, offence was registered against the present applicants.

4. Learned counsel for the applicants submits that the present applicants are innocent and have been falsely implicated in this case. He further submits that prosecutrix sustained no grievous injuries on her body, therefore, the present applicants may be granted anticipatory bail.
5. On the other hand, counsel for the State however opposes the application for anticipatory bail submitting that present applicants have assaulted the prosecutrix due to which, she sustained grievous injuries, therefore no case is made out to grant anticipatory bail to the present applicants.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the co-accused namely Shiv Kumar is a main accused person, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicants shall make themselves available for interrogation before the concerned investigating officer as and when required.
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**