
(2018) 07 CHH CK 0032
In the Chhattisgarh High Court
Case No : M.Cr.C.(A) No. 454 of 2018

Bihari Lal Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 12-07-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
Indian Penal Code? 1860 — Section 313, 506

Citation : (2018) 07 CHH CK 0032

Hon'ble Judges : RAJENDRA CHANDRA SINGH SAMANT, J

Bench : Single Bench

Advocate : Sunil Sahu, Smita Ghai

Final Decision : Disposed off

Judgement

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is

apprehending arrest in connection with Crime No. 112 of 2017, registered at Police Station â?" Vishrampur, District â?" Kondagaon, Chhattisgarh for

the offence punishable under Sections 506 and 313 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case only because the applicant is a health worker

who has given some medicines to the complainant/ victim, which resulted in the abortion of her pregnancy, which is totally a false statement and the

main accused in this case has been granted regular bail by the trial Court. Hence, it is prayed that the applicant be benefited with grant of anticipatory

bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct evidence of the victim in this case against the applicant. Hence, the applicant is not entitled for grant of bail.

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

6. Applicant is a Malaria Link Volunteer and Jan Swasth Rakshak and thus, a paramedic. The allegation against the applicant is that at the behest of main accused - Fagendra Vaidya, this applicant provided him some medicine which was administered by the main accused to the complainant, which resulted in her miscarriage.

7. After considering the entire material in the case-diary, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application of the applicant is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

'(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.