

Rakesh Kumar Khunte Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: July 2, 2018

Acts Referred: Code Of Criminal Procedure, 1973 " Section 439

Hon'ble Judges: Pritinker Diwaker, J

Bench: Single Bench

Advocate: Yogendra Chaturvedi, Rahul Tamaskar

Final Decision: Allowed

Judgement

Pritinker Diwaker, J

1. This application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime

No. 56/2018 registered at Police Station Pendra, District Bilaspur for commission of the offences punishable under Sections 294, 506 and 313 IPC.

2. Case of the prosecution in short is that complainant Jyoti alias Gumsum was living as wife of the applicant and that when she became pregnant, the

applicant gave her some pills for abortion.

3. Counsel for the applicant submits that as per the medical report of the complainant the doctor has not given any opinion regarding abortion of the

complainant. He submits that as the complainant has not been accepted by the parents of the applicant, she was annoyed and lodged a false report

against him. He further submits that there is no evidence that the applicant purchased any medicine for giving to the complainant for abortion or it is he

who administered the same to her for the said purpose. He submits that the applicant is still ready to live with the complainant. According to him,

looking to the false allegations made against the applicant and the fact that he is in jail since 14.5.2018, he may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, material collected by the prosecution including the medical report of the complainant and that

he is in jail since 14.5.2018, this Court is of the opinion that it is a fit case to release him on bail. Accordingly, the application is allowed and the

applicant is directed to be released on bail on his furnishing a bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the

concerned Court for his appearance before that Court as and when directed.