

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6217 of 2015

BHARTI SARTHI, wife of Shri Gaurishankar Sarthi, aged about 23 years,
r/o Kashichuwa, P.S. Bhupdevpur, Civil and Revenue District Raigarh (C.G).

... **Petitioner**

Versus

State of Chhattisgarh, through the S.H.O., of the Police Station Kharsia,
District Raigarh

... **Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 223 of 2015 registered at Police station Kharsia, District Raigarh Chhattisgarh for the offences punishable under sections 363, 368 of IPC & Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 06.05.2015 the applicant who is lady abducted the victim boy aged about 17 ½ years, for which, a report was made by the father of Boy and the FIR was lodged and subsequently the victim boy was recovered on 29.07.2015 and thereby the offence is said to be committed by the applicant.
3. Learned counsel for the applicant submits that the applicant was in love with the victim boy and both of them have fled away and at the instance of the boy, applicant has accompanied him. He referred to the statement u/s 164 Cr.P.C., and would submit that according the statement, no offence is made out against her. He further submits that the applicant is in jail since 29.07.2015, and therefore, she may

be enlarged on bail.

4. Per contra, learned State counsel opposes the bail.
5. I have gone through the statement of victim boy recorded u/s 164 Cr.P.C., wherein prima facie no positive allegations appear against her.
6. Considering the statement under Section 164 Cr.P.C. wherein nothing has been stated against the applicant and looking to the period of detention as the applicant is said to be in jail since 29.07.2015, without any observation on merits, I am inclined to allow this bail application.
7. Accordingly the application is allowed and the applicant is directed to be released on bail on her furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She will appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**