

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 3892 OF 2015**

Smt. Rampatiya Bai, W/o Rampyari Yadav, aged about 55 years, Caste Ahir;
R/o Dataunpani, Police Station Bagicha, District Jashpur (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh Through: Police Station Bagicha, District Jashpur
(Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Satish Chandra Verma, Advocate
For Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 127/2015, registered at Police Station Bagicha, District Jashpur (Chhattisgarh), for the offence punishable under Sections 376, 366/34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that applicant is said to have assisted co-accused/his son Sanjay Yadav in kidnapping the prosecutrix with whom Sanjay Yadav committed rape on 17/06/2015 and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant is mother of the co-accused-Sanjay Yadav, who has committed offence. He would further submit that

applicant is lady aged about 55 years. He would further submit that there is no evidence to connect the applicant with crime in question. He would lastly submit that applicant is in jail since 24/06/2015 therefore, she may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; pretrial detention of the applicant; and applicant being a woman aged about 55 years, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE