

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6095 of 2015

1. Sukhmati, W/o. Shivcharan, aged about 55 years, R/o. Sanjay Nagar Sarona, Tatibandh Raipur, Police Station – Tatibandh, Civil & Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Bhatapara (Gramin), District Balodabazar-Bhatapara(C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

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.173/2013, registered at Police Station – Bhatapara (Gramin), District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 368, 376 of I.P.C. and Section 4, 8, 22 of the POCSO Act.
2. Case of the prosecution, in brief, is that the applicant assisted one Ghanshyam Chouhan to abduct and kidnapped the minor prosecutrix and thereafter Ghanshyam Chauhan committed sexual intercourse with the minor girl on the pretext of marriage. It is the prosecution case that the present applicant has supported such abduction.
3. Learned counsel for the applicant would submit that initially the statement of the prosecutrix was recorded, wherein nothing has been

stated against the applicant. He would further submit that similarly placed co-accused has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C. No.5196/2015, vide order dated 01.10.2015. He would further submit that the applicant is in jail since 20.07.2015, therefore, prays that she may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and the role played by this applicant and taking in to fact that other co-accused has been enlarged on bail by the coordinate Bench of this Court, this Court is of the opinion that present is a 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 her 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/-
(Goutam Bhaduri)
Judge