

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C No. 5574 of 2015**

Minaxi Zena, W/o: Vijay Zena, aged about 27 years, R/o Chandramani Nagar, Gali No.-1; Plot No.-2, P.S. Anjani, Nagpur (Maharashtra)

---- Applicants**Versus**

State Of Chhattisgarh Through: District Magistrate, Civil and Revenue Distt. Durg (C.G.)

---- Non-applicant

For Applicant: Mr. Amiyakant Tiwari, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 215/15 registered at Police Station Chhawani, District Durg for the offences punishable under Sections 366, 376, 371, 342, 370 & 370-A of the Indian Penal Code, 1860.

(2) Case of the prosecution, in brief, is that on 16.10.2014 present applicant along with co-accused persons namely Vijay Zena & Laxman Gedam abducted complainant and taken her to

Nagpur and then District Nagour and where Vijay Zena & Laxman Gedam committed forcible sexual intercourse with her and thereafter sold the complainant to one Mukesh Sharma; and the said Mukesh Sharma entered into marriage with the prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Mr. Amiyakant Tiwari, learned counsel appearing for the applicant would submit that the applicant has not committed any offence as on the date of offence i.e. 16.10.2014 the applicant is alleged to have kidnapped the complainant along with co-accused persons, applicant was having advance pregnancy as she has delivered baby on 16.11.2014 at Bhilai and, as such, she has been falsely implicated in the offence in question as the main accused persons Vijay Zena & Laxman Gedam could not be arrested by the police and, therefore, on account of humiliation & frustration, the applicant has been arrested for no reason as neither offence of rape is alleged against the applicant nor there is a case of human trafficking made out against the applicant and her male child is living with her maternal grandmother. He further submits that applicant, being a woman, is languishing in jail since 16.04.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State would submit that applicant is actively participated in the offence in question.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question, and the facts that the applicant, being the woman, is in jail since 16.04.2015 and she was carrying pregnancy of 8 months at the time of incident and her male child is living with her maternal grandmother; and the main allegation of rape is against the co-accused persons namely Vijay Zena & Laxman Gedam and they have also sold the complainant to one Mukesh Sharma; further considering the fact that charge sheet has already been filed and no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

