

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5710 of 2015

Sandhya Yadaw, W/o. Nakul Nagesiya, Aged about 21 years, R/o. Village Radhupur, Police Station Dhaurpur, Tahsil Lundra, District (Revenue & Civil) Surguja (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Gandhinagar, District (Revenue & Civil) Surguja (C.G.).

---- Respondent

For Applicant : Mr. S.D.Singh, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.142/2015 registered at Police Station- Gandhinagar, District (Revenue & Civil) Surguja (C.G.) for the offence punishable under Section 363, 366(क), 376(2)(ढ), 114 of I.P.C. and Section 5(ढ), 6, 17 of POCSO Act.
2. Case of the prosecution is that the victim was kept in the neighborhood of the applicant and she helped the other co-accused namely Jaitun to commit the offence of rape. It is further stated that in the month of April, 2015, at the instance of the applicant, the victim went to her home wherein the other accused Jaitun was also present and they were allowed to meet and therefore, she was a party to the crime.

3. Learned counsel for the applicant submits that there is no allegation of rape against this applicant and only the allegation was that the victim stayed as neighbour to her and she at one point of time allowed victim to meet the applicant. Therefore, taking into averments no case is made out against this applicant and, as such, she may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and the nature of allegation against this applicant, it appears prima facie that she was a neighbour to the victim at certain point of time, therefore, considering the gravity of role played by this applicant and the fact that the charge sheet has already been filed and the applicant is in jail since 22.09.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned trial Court. She is directed to appear before the trial court on each and every date given by the said Court.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge