

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.674 of 2016**

Smt.Prabha Sahu, W/o Shree Gajpal Sahu, aged about 19 years, R/o Village-Matia, Chouki-Giroudhpuri and P.S. Gidhour, Distt.Baloda Bazar-Bhatapara (CG)

---Applicant

Versus

State of Chhattisgarh Through-In-charge Police Station-Gidhour, District-Baloda Bazar-Bhatapara (CG)

---Non-applicant

For Applicant	:	Mr. Vinod Tekam, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/02/2016

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.159/2015, registered at Police Station-Gidhour, District-Balodabazaar-Bhatapara (CG), for the offence punishable under Sections 363, 366, 376 & 109/34 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 23.9.2015 one co-accused Umesh Sahu kidnapped minor prosecutrix and committed sexual intercourse with her and the present applicant assisted in kidnapping the prosecutrix with co-accused Umesh Sahu.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has falsely been implicated in crime in question. He would further submit that in 161 CrPC

statement the prosecutrix has not stated anything adverse against the present applicant, however, in 164 CrPC statement she has improved her version, which has been recorded on 9.11.2015. Charge-sheet has already been filed, the applicant being woman aged about 19 years is in jail since 6.1.2016 along with her minor child, therefore, she may be released on regular 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 & circumstances of the case; further taking into consideration the nature & gravity of offence; role of the present applicant; allegation of rape against co-accused Umesh Sahu, the present applicant being woman is in jail since 6.1.2016 along with her minor child and the fact that charge-sheet has already been filed, 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 the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-