

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4082 of 2016

- Sahetri @ Savitri W/o Jailal Aged About 30 Years R/o Ranpur,
P.S. Gandhinagar, Civil & Revenue District Surguja,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer Police
Station A J A K Ambikapur, Civil & Revenue District Surguja,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Nishi Kant Sinha, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 94 of 2016 registered at P.S. AJAK Ambikapur, Distt. Surguja (C.G) for the offence punishable under Sections 363, 366, 376, 386, 342, 368, 34, 365, 506B, 120B, 109, 114, 376(2) of IPC and Section 3(2)(v), 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 3, 4, 5, 6 & 17 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, co-accused Bhoyla @ Bhola Rajwar on the pretext of marriage, took the prosecutrix from lawful guardianship of her parents and thereafter she was brought to village Bankipur where the present applicant along-with other accused Bhoyla @ Bhola, Bhuneshwar Lohar, Dharamjit Lohar detained the prosecutrix in the house of co-accused Jailal where Bhoyla @ Bhola committed rape

with her. It is alleged that on being resisted by the prosecutrix, she was threatened by the present applicant and other co-accused.

3. Learned counsel for the applicant submits that the applicant is maternal aunt of accused Bhoyla and she has been falsely implicated in this case. He submits that the only allegation is that the house wherein sexual intercourse was committed with prosecutrix belonged to Jailal wherein she was also inmate of the house. He further submits that the prosecutrix has not stated any incriminating facts about the present applicant in the statement recorded u/s 161 Cr.P.C. It is further submitted that similarly placed co-accused Dharam Jeet @ Dharma, Jailal and Muneshwar have been granted anticipatory bail by this Court in M.Cr.C.No.2654 of 2016, therefore, the applicant may also be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused have been enlarged on bail in M.Cr.C. No.2654/2016.
5. I have heard learned counsel for the parties and have also perused the case diary.
6. Taking into the nature of allegations levelled against the applicant and the role played by her and further considering the fact that similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C.No.2654/2016 as also the fact that the charge sheet in this case has been filed and the applicant is in jail since 13.05.2016, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also

appear before the trial Court as and when directed by the
said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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