

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6779 of 2015

- Vanita Joshi Wife of Manish Joshi, Aged About 48 Years Occupation - Business, R/o Kachna P. S. - Civil Line, Raipur, District - Raipur (Chhattisgarh) --- **Petitioner**

Versus

- State of Chhattisgarh Through - P. S. Tikrapara, Raipur, Distt. Raipur (Chhattisgarh) --- **Respondent**

For the applicant	:	Mr. Syed Imtiaz ali, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 412 of 2015 registered at P.S. Tikrapara, Raipur, District Raipur (C.G) for the offence punishable under Sections 363, 366, 376 & 120-B IPC & Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of prosecution, in brief, is that on 16.08.2015, the prosecutrix who was a minor went out side the house along-with her friend. At that time, the applicant along-with her son was in the car. Rohan dragged the prosecutrix and made her sit in the car and asked her to sit quite. The applicant and her son forcibly took her the prosecutrix to their house where she was confined and thereafter, co-accused Rohan committed sexual intercourse on the pretext of marriage.

3. Learned counsel for the applicant submits that the applicant is mother of the other co-accused namely Rohan Joshi who is son and when the co-accused along-with the prosecutrix came to the house of the applicant she insisted the prosecutrix to go back to her house, but she did not go back and consequently the applicant called the police. He relied on call details filed along-with the petition and submits that the applicant being the mother, it is quite improbable to insist the son to commit rape with a girl. He further submits that the applicant is in jail since 18.08.2015 and taking into the role played by the applicant, she may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. On 21.12.2015 when the matter was taken up for hearing, he sought time to verify the call details. He submits that he has also called the call details wherein it shows that the call was made by this applicant to the police.
5. Taking into the totality of the facts and circumstances and the degree of allegations and considering the role played by her as also looking to the period of detention of the applicant as she is stated to be in jail since 18.08.2015, this Court is inclined to release her on bail. Accordingly, this application is allowed.
6. 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.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

