

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7704 of 2015

- Smt Arti Bai Kanwar wife Meghuram Kanwar Aged About 50 Years Police Station & Tahsil Champa R/O Korwapara Champa, District : Janjgir - Champa Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station : Champa, District : Janjgir - Champa Chhattisgarh

---- Respondent

For the applicant	:	Mr. Gurudeo Sharan, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

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. 275 of 2015 registered at P.S. Champa, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Section 3(1)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as also Sections 6 & 12 of Protection of Children from Sexual Offences Act.
2. As per the prosecution, the prosecutrix, who is a minor girl of 15 years age, was abducted by one Mohit @ Jeebu and a missing report thereof was made on 14.09.2015 by the mother of prosecutrix, for which the FIR was registered on 17.09.2015. Subsequently the girl was recovered on 29.09.2015 at her home and on investigation it was disclosed that accused Mohit had allured the girl and he had paid Rs.30,000/- to the applicant and therefore, when the girl

wanted to go back, she was not allowed to go back as the applicant was paid Rs.30,000/-, therefore, the offence is committed.

3. Learned counsel for the applicant submits that the main allegations are against co-accused Mohit and nothing has been attributed to this applicant and only on disclosure of fact by Mohit that he paid Rs.30,000/- to this applicant, the applicant has been inculpated. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 13.10.2015, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of the girl recorded u/ss 161 & 164 Cr.P.C., wherein the main allegations are attributed to co-accused Mohit. It is stated that Mohit has paid Rs.30,000/- to this applicant and Mohit is still absconding.
6. Taking into such evidence available against this applicant and considering the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 13.10.2015, I am inclined to release the applicant 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.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**