

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.408 of 2016

Devmuni, Wd/o Late Shri Ramprasad Sonwani, aged about 38 years, Occupation Labour, R/o Village Kewdashila (shown as "Kerawashila" in charge sheet), Krishna Nagar, Police Station Ramanujganj, Distt. Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Ramanujganj, Distt. Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant:	Mr. R.R. Soni, Advocate.
For Non-applicant:	Mr. D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing her on regular bail during trial in connection with Crime No.146/2015, registered at Police Station Ramanujganj, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 376, 120B read with Section 34 of the IPC, Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that co-accused Rampal committed sexual intercourse with a Scheduled Caste minor prosecutrix on 3-10-2015 in conspiracy with the applicant and the present applicant also abetted the commission of offence.
3. Learned counsel for the applicant submits that the applicant has not

committed any offence and she has been falsely implicated in the case, it is Rampal who has committed the offence and the applicant being woman has no role in the offence in question. Rampal has no relation at all with the applicant and it is a false case against the present applicant who is in jail since 7-10-2015. Charge-sheet has been filed and no useful purpose will be served by detaining the applicant in jail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant being woman aged about 38 years, main allegation of sexual intercourse is against Rampal, pretrial detention of the applicant and charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for her appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge