

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1831 of 2016**

Rinki @ Sushila Vishwakarma, wife of Shri Lalit Vishwakarma, aged about 30 years, resident of Village Khamhar, Police Station Dharamjaigarh, District Raigarh (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Dharamjaigarh, District Raigarh (CG).

---- Non-applicant

For Applicant : Shri Manoj Kumar Jaiswal, Advocate
For Non-applicant : Shri Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

11/04/2016**(1)** Heard.

(2) 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 on 06.10.2015 in connection with Crime No.124/2015, registered at Police Station Dharamjaigarh, District Raigarh, for the offence punishable under Sections 363 & 366 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that the present applicant is said to have kidnapped the minor complainant namely Ku. Kaushaliya, aged about 15 years and, thereafter taken her to Korba and, thereby, committed the aforesaid offence.

(4) Learned counsel appearing for the applicant submits that the

applicant has not committed any offence and she has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 06.10.2015; she is not involved either kidnapping or human trafficking, charge-sheet has been filed and complainant has gone voluntary with her and, therefore, she may be released on bail.

(5) On the other hand, learned counsel for the State opposes the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(7) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and role of the present applicant and pretrial detention of the applicant and the facts that the applicant is in jail since 06.10.2015, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(8) Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(9) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-