

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2224 OF 2016**

Anita Urao aged about 35 years W/o Samar Singh R/o village Lokadha Village Panchayat Rampur P.S. Pasan Tahsil Podiuproda District Korba (C.G.) Present Address Chhokkobetto P.S. Suratkal Tahsil and District Maiglour (Karnatak)

---Applicant**Versus**

State of Chhattisgarh, Through : S.H.O. Pasan District Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Hemant Gupta, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/05/2016**

1. 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 in connection with Crime No. 38/2011, registered at Police Station Pasan, District Korba (C.G.), for the offence punishable under Sections 363, 366, 376 of the I.P.C. & Sections 3(1)(12) &

3(2)(5) of Prevention of Schedule Tribe & Schedule Caste (Atrocities) Act.

2. Case of the prosecution, in brief, is that, on 24/03/2011, applicant and co-accused said to have kidnapped minor prosecutrix, who belongs to the member of scheduled tribe and thereafter co-accused Lakhanlal Jaiswal committed sexual intercourse with her on the pretext of marriage and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit applicant is deserted lady and she is in jail alongwith her two years minor child and she has gone Karnataka for their livelihood. He would further submit that she is lady and there is no allegation of rape against. He would lastly submit that charge sheet has been filed and applicant is in jail since 27/03/2016 therefore, she may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that applicant remained absconded since 02/04/2011.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances

of the case; further taking into consideration the nature and gravity of offence; evidence available in the case diary; she is woman and is in jail since 27/03/2016 alongwith her two years child and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge