

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2983 of 2016

1. Smt. Chanda Yadav, W/o. Shri Ramesh Yadav, aged about 30 years, R/o. Vijay Nagar, P.S. Kapu, Tahsil – Dharamjaigarh, Civil and Revenue District-Raigarh (C.G.)
2. Kamla Devi Chouhan, W/o. Late Shri Maliyappa, aged about 60 years, R/o. Vijay Nagar, P.S. - Kapu, Tahsil-Dharamjaigarh, Civil and Revenue District-Raigarh (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station Kapu, District – Raigarh (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Abhisek Saraf, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/06/2016

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 applicants who have been arrested in connection with Crime No.114/2016, registered at Police Station – Kapu, District – Raigarh (C.G.) for the offence punishable under Section 370, 371, 374, 363/34 of the Indian Penal Code and Section 4 of POCSO Act.
2. Case of the prosecution, in brief, is that prior to 24.12.2015, the victim, who is a minor girl was taken away by her mother and other co-accused to Delhi and she was made to work as domestic help. Subsequently, she had written a letter to the father after six years and

therefore, the FIR was lodged on 24.12.2015. It is alleged that while the girl was taken by the mother, they stayed in the house of Smt. Chanda Yadav and Kamla Bai Chauhan at Delhi and they also were part of the crime as the minor girl was taken by the mother and has made to work forcefully at Delhi and were given shelter by the applicants. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that incident is alleged to have been happened prior to six years of 24.12.2015 and the victim was married to one Rajesh and only allegation against the applicants are that the girl was lodged for certain period of time in the house of the applicants and no further allegation is attributed to these applicants, therefore, considering the fact that the statement has already been recorded and the applicants are ladies and are in jail since 08.01.2016, they may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim. After consideration of the statement and the facts and circumstances of the case, nature of allegation attributed to the applicants and taking in to the fact charge-sheet in this case has been filed and the applicants are ladies, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram