

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5163 of 2016

1. Smt. Laxmi Dubey, W/o. Ganeshram Dubey, age about 30 years, R/o. Aadarsh Nagar Govindpura, Thana – Bhopal, District – Bhopal (M.P.).

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - Pithora, District – Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/09/2016

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.63/2016, registered at Police Station – Pithora, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366-A, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 01.05.2016 missing report was lodged by mother of the victim that her daughter is missing. Subsequently, she was brought to the police on 07.05.2016 by the present applicant, Smt. Laxmi Dubey and on investigation it was found that the girl was enticed away by the other

co-accused namely Munna and she was handed over to this applicant, Smt. Laxmi Dubey at Bhopal and she was kept in the house of Smt. Laxmi Dubey, wherein the husband of the Smt. Laxmi Dubey has committed forceful intercourse, which was within the knowledge and in connivance with the present applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that statement has been recorded under Section 161 of the prosecutrix, wherein she has not narrated anything against this applicant and rather the applicant took the girl back from Bhopal and she herself went to the police and therefore, no allegation can be attributed against this applicant. Therefore, the counsel prays that the applicant 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 recorded under Section 161 and 164 of Cr.P.C, wherein it is stated that the applicant brought back the girl from Bhopal to Raipur then to Pithoura. Taking into the nature of allegation leveled against this applicant and the fact that charge-sheet in this case has been filed, this Court is of the opinion that present is a 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 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 trial Court, for her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram