

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7206 of 2016

- Smt. Kamlvati @ Kavita Netam W/o Padman Netam Aged About 23 Years R/o - Village Santoshi Ward, Jagdalpur, Police Station Jagdalpur, District Bastar Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Parpa District Bastar Chhattisgarh

---- **Respondent**

For Applicant : Mr. Arun Kochar, Advocate

For Respondent/State : Mr. Ul.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 20-9-2016 in connection with Crime No. 111 of 2016, registered at Police Station Parpa, District Bastar (CG) for the offence punishable under Sections, 344, 376, 109 of IPC.
2. Case of the prosecution, in brief, is that on 24-6-2016 a report was made by the prosecutrix that on 8-6-2016 when she went to attend her matrimonial case, at that time she met the present applicant and she was given some snacks and thereafter she became unconscious. Subsequently she remained in such condition and stayed in village Kumharpar where she was kept in captivity for 12 days and thereafter her eyes were blind-folded and she was handed over to one Laxman. When she went to answer the call of nature, she was subjected to rape and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix is a married lady of 27 years and her statement is completely improbable. Present applicant is a lady and allegation of rape is not attributed to her. He would further submit that charge-sheet has been filed in this case, she is in jail since 20-9-2016 and no further investigation is required, therefore, she may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail,
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the prosecutrix.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju