

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 285 of 2017**

- Meena Mandal W/o Shri Shivpad Mandal, Aged About 58 Years
Occupation Housewife, R/o Village Kamalpur, Police Station &
Tahsil Ramanujnagar, District Balrampur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Jainagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant	Mr. Ravindra Sharma, Advocate
For Respondent /State	Mr. P.K. Bhaduri, Government Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****24/5/2017**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending her arrest in connection with Crime No.52/2017, registered at Police Station Jainagar, District Surajpur, for the offence under Sections 363, 366-A, 342, 376, 506, 120B of IPC and Section 4 of the Prevention of Children from Sexual Offences Act.
3. The applicant's son has allegedly abducted, detained and committed forcible sexual intercourse with the prosecutrix, aged about 17 years. There are allegations against the present applicant that she used to criminally intimidate the prosecutrix,

however, the acts of abduction and forceful sexual intercourse are against her son. There is no allegation against the applicant that in such objectionable act of her son, she also actively participated. It seems she has been arrayed because instead of persuading her son not to be physical with the prosecutrix, she gave shelter to her son and the prosecutrix in her house.

4. Considering the fact that the applicant is an old lady, aged about 58 years and the nature of evidence available against her, I am of the opinion that present is a fit case, in which, applicant deserves to be extended the benefit of Section 438 of Cr.P.C.
5. Accordingly, the bail application is allowed and it is directed that in the event of arrest of the applicant, if she furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then, she shall be released on bail on the following further conditions :
 - (i) that the applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required ;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

6. Certified copy as per rules.

Sd/-

Vacation Judge

(Prashant Kumar Mishra)