

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6319 of 2017**

Smt. Asha Dehari W/o Mr. Rajkumar Dehari, Aged About 26 Years
Caste Halbi, R/o Village Duttapal, Police Station Chhotedongar, Hal
Kumharapara, Narayanpur, District Narayanpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Chhotedongar, District
Narayanpur Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Raza Ali, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/11/2017**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 12/2014 registered at Police Station Chhotedongar, District Narayanpur, Chhattisgarh for the offence punishable under Sections 363, 366, 376, 371/34 of I.P.C. and Section 6 of the Protection of Children from the Sexual Offences Act.
2. The present applicant is in jail since 05.09.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant is said to have, on the false pretext of providing her better employment, abducted the prosecutrix and has taken her to Tamilnadu, Chennai and from there she has further been taken to

Orissa, where the co-accused Balram Jaina, who is said to have sexually ravished the prosecutrix knowingly that she was a minor.

4. The counsel for the applicant submits that it is a case where in June 2012, the victim had gone along with the present applicant to Tamilnadu, Channai for employment purpose, where she came in contact with Balram Jaina, with whom she developed a relationship and they have gone from Chennai to Orissa, where they were staying as husband and wife after marriage and the victim also has a child born from the co-accused Balram Jaina.
5. A perusal of entire case diary would reflect that the ingredients necessary for making out an offence under Sections 363, 366 & 376 of I.P.C. is not made out against the present applicant. He further submits that present applicant is a lady aged about 26 years and that she has already remained in custody for a period of about 3 months and therefore she may be released on bail.
6. The State counsel opposing the bail application submits that it is a case where the present applicant is the person, who had taken the victim to Chennai for employment and that she has not informed this to the parents of the victim and therefore she also has an active role in commission of the offence alleged.
7. Taking into consideration the facts and circumstances of the case, particularly the nature of allegations leveled and the role played by the present applicant, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.

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

Sd/-
(P. Sam Koshy)
Judge

Ved