

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7426 of 2017**

Ku. Usha Kundu D/o Amulya Kundu, Aged About 45 Years Caste Kayast, Anganbadi Worker, R/o P.V. 99, Police Station Bande, District North Bastar Kanker, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Bande, District North Bastar Kanker, Chhattisgarh

---- Respondent

For the Applicant : Shri Mukesh Shrivastava, Advocate.
For the Respondent/State : Shri Sumit Jhanwar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.12.2017**

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. 28 of 2017, registered at Police Bande, District North Bastar, Kanker, Chhattisgarh for the offence punishable under Section 354(A)(B)(C)/ 34 of the Indian Penal Code, Sections 8, 12 and 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67(A) of the Information Technology Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. It is also submitted that the main accused in this case has been granted bail by this

Court in M.Cr.C. No. 5516 of 2017 by order dated 6.11.2017. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear and direct evidence against the applicant about the role played by her for commission of offence. Hence, the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicant is that the complainant/ victim aged 16 years had been to the place of the applicant to prepare some report and it was at that time main accused Sadhan Kundu, brother of the applicant came to the spot and filled vermilion on her forehead. Later on, in another incident, when the complainant was picking *mahua* in jungle then he came there, by using force on her and thereby outraged her modesty and the applicant has also been made co-accused.

7. Considering all the submissions and taking into consideration the role of the applicant in this case and also considering the fact that the co-accused has been granted bail, I am of the view that this is a fit case where the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on 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 his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge