

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1692 of 2017**

- Smt. Madhu W/o Late Mohanlal Sher Aged About 47 Years R/o 59, Old Compound Mandi Road House, Bhagwandas Road, New Delhi G.P.O. New Delhi 110001

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithoura, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri YC Sharma, Advocate
For Respondent/State	: Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.33/2017 registered in Police Station Pithoura, Distt. Mahasamund for the offence punishable under Sections 376, 376A, 342, 506, 494, 328, 34 of IPC.

3. Learned counsel for the applicant submits that the applicant has been arrested on 18.02.2017, after investigation charge sheet has been filed against present applicant and co-accused Manish Nirmalkar before Judicial Magistrate First Class, Mahasamund. However, learned counsel for the applicant is not in a position to

mention the criminal case number. It is submitted on behalf of the applicant that the applicant is a woman, looking to the role narrated by the prosecutrix under Section 164 of Cr.P.C., she is not the main accused, she is first offender, she has been falsely implicated in the case, she was not involved in the administration of intoxicant material/medicine to the prosecutrix, charge sheet has been filed, investigation is completed, hence the applicant may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that the prosecutrix was examined during investigation under Section 161 of Cr.P.C. and also her statement was recorded before Judicial Magistrate First Class, Basna, Distt. Mahasamund. In both the statements specific role regarding involvement of applicant for the offence under Section 376A of the IPC is shown and also other facts for pressure for marriage, threat to viral the objectionable photos etc., hence, considering the involvement of the applicant in the serious offence, her application for bail may be dismissed.

5. Perused the entire material. Also perused the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and the statement recorded under Section 161 Cr.P.C. by the police during investigation.

6. On due consideration of the role attributed by the applicant with the prosecutrix, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE