

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2347 of 2017

- Baby Thomas W/o S. Thomas, Aged About 40 Years R/o Mukti Home, Banglapara, Narayanpur, District Narayanpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Benoor, District Narayanpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vishnu Koshta, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/11/2017

1. This is the 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 in connection with Crime No. 29/2017, registered at Police Station- Benoor, District – Narayanpur(C.G.) for the offence punishable under Section 201 of the Indian Penal Code (for short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 10.03.2017. Applicant had been working as Hostel Superintendent when the alleged offence was committed by co-accused Peter Alishawali. No role was played by the applicant in the commission of the said offence. She has been deliberately implicated for the reason,

that co-accused is her relative, hence, prayed that the applicant be enlarged on regular bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that in the statements recorded under Section 161 and 164 of CrPC by the prosecution, it is clearly alleged that when prosecutrix complained about the incident that has taken place with her to the applicant, she tried to suppress the fact and also threatened her with dire consequences, hence, for these reasons, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The facts of the case are that prosecutrix, aged about 15 years, is the inmate of Pandit Ramabai Mission Hostel, Banglapara, Narayanpur. On 27.2.2017 accused Peter Alishawali forcefully committed rape with the prosecutrix and thereafter threatened her that if she would narrate the incident to any person, he would kill her. Prosecutrix was again subjected to rape by accused Peter on 28.2.2017 and thereafter, she disclosed about the incident to the applicant, who tried to suppress the fact of incident and also threatened the prosecutrix with dire consequences. Charge-sheet has been filed against the applicant and co-accused, in which, applicant is being prosecuted for the offence under Section 201 of IPC and Section 6 of the POCSO Act, 2012.
6. It is submitted by the counsel for the applicant that charge under Section 6 of the POCSO Act is not made out against the applicant. She can be at best held responsible for the commission of offence under Section 21 (2) of POCSO Act which is a bailable offence. He further submits that the offences with which the applicant has been charged P are bailable offence.

7. Considering the submissions made and the contents of the case diary, I am of this view that this appears to be a fit case where the applicant should be enlarged on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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. It is further directed that she shall not influence of prosecutrix, in case, she is to reside in the same hostel in which prosecutrix is residing in that case she will have to take special care and not to the prosecutrix in any manner.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge