

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4775 of 2017**

Jaya Verma D/o Ghanshyam Singh Verma, Aged About 24 Years, R/o Bhaismuda Dharsiva, Police Station- Dharsiva, District-Raipur (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Dharsiva Police Station- Dharsiva, District-Raipur (Chhattisgarh)

---- Respondent

For the Applicant	:	Smt. Fouzia Mirza, Advocate
For the Non-applicant	:	Shri UNS Deo, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 94/2017 registered at Police Station Dharsiva, District Raipur (C.G.) for the offence punishable under Sections 366, 363, 376 and 34 of the Indian Penal Code and Section 3 & 4 of POCSO Act.
3. Case of the prosecution, in brief is that the the prosecutrix is near about 16 years old and resides in village Murra, Police Station Dharsiva, District Raipur. On 05/03/2017 mother of the prosecutrix Yogeshwari Sahu found that the prosecutrix is not present in the house. Neelam and Laxmi Narayan told him that Sanjay Verma and applicant had taken away the prosecutrix. Sanjay Verma and said

applicant had taken away the prosecutrix after the enticement saying that her marriage would be performed with Sanjay Verma. On 06/03/2017 prosecutrix return back in her house and told that she had gone along with Sanjay Verma and applicant in their village Bhaismuda. 4-5 days ago accused Sanjay Verma had also committed sexual intercourse with the prosecutrix in her house on pretext of the marriage.

4. The statement recorded under Section 164 of CrPC the prosecutrix says that on 05/03/2017 Sanjay Verma and his sister the present applicant had taken away her in his village Bhaismuda for the purpose of outing.
5. Learned counsel for the applicant submits that she has innocent and falsely implicated in the present case, charge-sheet has already been filed and the applicant is in jail since 27/05/2017, therefore, she shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these circumstances and other facts of the case, there is no possibility of the tempering of the evidence, there is no possibility of the absconding of the said applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that she shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, she shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde