

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8343 of 2016

1. Mamta Nishad @ Khileshwari, D/o. Dhanraj, aged about 21 years, R/o. Village- Semra, Police Station – Bhakhara, District – Dhamtari (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station House Officer, Dhamtari, Civil and Revenue District – Dhamtari (C.G.)

---- Respondent

For Applicant : Mr. Kunal Das, Advocate

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/01/2017

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.244/2016, registered at Police Station – Dhamtari, District – Dhamtari (C.G.) for the offence punishable under Section 363, 342, 328, 506-B, 370, 370-A, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was lodged by the victim on 11.06.2016 that in between 19.05.2016 to 03.06.2016, the victim along with other girls were taken to Allahabad by Om Prakash Nishad to perform in a dance and they were made to perform in the programmes and were kept in captivity. Subsequently, they escaped and made a report and it is also alleged that victim was subjected to mass sexual molestation and gang rape. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant – Mamta Nishad is one of the victim and only the fact she went along with the victim, she has been inculpated and she has not committed any offence and she was also taken by Om Prakash Nishad to Allahabad. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 08.08.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents as also the statement of the victim recorded under Section 161 of Cr.P.C. Considering the nature of allegation against the present applicant and further taking into the fact that charge-sheet in this case has been filed and she is in jail since 28.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her 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 her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge