NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 96 of 2017

- Khatbun Nisha D/o Jamayat Miya, Aged About 50 Years W/o Nanhku @ Istak Ahmad, R/o Kanakpur, Police Station Ramanjuganj, District Ramanujganj Balrampur, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ramanujganj, District Ramanjuganj Balrampur, Chhattisgarh. **--- Respondent**

For the applicant : Mr. C.J.K. Rao, Advocate
For the Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.65 of 1997 registered at Police Station Ramanujganj, Distt. Ramanujganj Balrampur (C.G) for the offence punishable under Sections 318, 302, 201, 376/34 of IPC (in the impugned order section 376, 313, 314 have not been mentioned but the same is in the challan).
2. As per the prosecution case, the girl victim who is daughter of Bajuddin developed relations with one Nanku @ Istak whereby she became pregnant. Subsequently with the help of present applicant and other accused, the infant male child was delivered and thereafter, the other accused and the present applicant killed the newly born child thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the

applicant is a lady and she was not arrested for long despite the fact that she was residing at Ramanujganj and the other accused Nanku was convicted u/s 318 IPC. He further submits that no allegation of killing the infant child is attributed to this applicant, therefore, the applicant who is in jail since 10.07.2016 may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the statement of the victim girl. It appears that the *prima facie* allegations are attributed to other accused. Considering such facts and circumstances of the case especially the fact that the charge sheet has been filed; no further investigation is necessary and looking to the period of detention of the applicant as she is stated to be in jail since 10.07.2016, I am inclined to allow this bail application.

6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for her appearance before the said Court.

   C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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