

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRCA No. 671 of 2017**

Smt. Usha Navkar (Jain) W/o Shri Vikas Navkar (Jain) Aged About 31 Years R/o House No. 424, Priyadarshini Nagar, Police Station New Rajendra Nagar, Tehsil And District- Raipur, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Narayanpur, District Narayanpur, Chhattisgarh

**---- Respondent**

|                |   |                           |
|----------------|---|---------------------------|
| For Applicant  | : | Mr. Amrito Das, Advocate  |
| For Respondent | : | Ms. M. Asha, Panel Lawyer |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**02/08/2017**

1. The present is a repeat application filed under Section 438 of Cr.P.C. seeking for anticipatory bail to the applicant apprehending her arrest in connection with Crime No. 14/2015 registered at Police Station Narayanpur, District Narayanpur Chhattisgarh for the offence punishable under Sections 363, 370, 371 & 338 read with Section 34 of I.P.C. and Section 3(1)(xi) of the Prevention of Atrocities Act, 1989 and Section 14(1) of the Child Labour Act, 1986. Earlier bail application was dismissed as withdrawn vide order dated 08.05.2017.
2. Counsel for the Applicant submits that the repeat bail application has been moved in the light of the subsequent development that has taken place. He further submits that the co-accused in the instant case Santosh Jain who is the brother of the present Applicant was also prosecuted for the same offence and who ultimately vide order dated 03.06.2017 has been acquitted by the Sessions Court, Kondagaon in Sessions Trial No. 24/2017. He further submits that considering the acquittal of co-accused in the case and also taking into consideration the fact that the present applicant is a lady aged around 31 years having two minor children aged around 5 and 4 years under her care forcing the applicant now to avail the remedy

under Section 439 of Cr.P.C., at this juncture would be misuse of the process of law, she may therefore be released on anticipatory bail.

3. However opposing the bail application State counsel submits that the earlier bail application was rejected by this Court only on 08.05.2017 and therefore the repeat application deserves to be rejected.
4. Taking into consideration the total facts and circumstances of the case, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.
5. In the result, the application under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the present Applicant in connection with the aforesaid offence she shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
  - (i) that the applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
  - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
  - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
  - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(P. Sam Koshy)**  
**Judge**