

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 216 of 2018**

Smt. Gumeshwari Koshaley @ Gunja @ Gudiya, W/o Shri Seetaram Koshaley, Aged about 33 years, R/o Village Chhedikhedi, Police Station Mandir Hasaud, Tahsil Gudiyari, District Raipur (C.G.) ---- **Applicant**

Versus

State of Chhattisgarh, Through : Station House Officer, P.S. Gudiyari, District Raipur (C.G.) ---- **Non-applicant**

For Applicant	:	Mr. D.K. Shukla, Advocate.
For Non-applicant/State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**21/03/18**

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.233/2017 registered at Police Station Gudiyari, District Raipur for the offence punishable under Sections 376, 365,342,506,368 and 323/34 of the Indian Penal Code.
2. Case of the prosecution in brief is that the applicant called major prosecutrix by giving phone call and thereafter co-accused Aman Baeg committed rape with her and also caused simple injury to her, thereby she has committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in crime in question. He would further submit that the applicant is a member of non-governmental organisation and the rape

has been committed by co-accused Aman Baeg, only allegation is, the applicant has called the prosecutrix on phone. The applicant is in jail since 16-09-2017, charge-sheet has already been filed and no useful purpose will be served by detaining her in jail, therefore, she may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, role of the present applicant, and the fact that she is in custody since 16-09-2017, 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. It is directed that the 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.

Sd/-
(Sanjay K. Agrawal)
Judge