

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7497 of 2017**

Rupa Devi @ Fagni, W/o. Shanu Gupta, aged about 35 years, R/o. Dakapur, P.S. - Pradhan Nagar, District – Dargiling (W.B.) at present Sakurpur, Block – A172, P.S. - Subhash Palace, New Delhi.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station- Udaylpur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/01/2018**

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.24/2016, registered at Police Station – Udaylpur, District – Surguja (C.G.) for the offence punishable under Section 370 (Part-5) read with Section 34 of the Indian Penal code, Section 81 of Juvenile Justice Care and Protection Act, 2015, Section 3/14 Bal Shram (Pratishedh Aur Viniyman) Adhiniyam 1986 and Section 3 (1-ज), Section 3 (2-5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case for the reason that she is wife of co-accused - Shanu Gupta, who happens to run placement agency. No case is made out against the applicant on the basis of the material available on record of the prosecution case. Further the complainant victim in this case has also been examined, which does not show that there is any adverse allegation against the applicant, applicant is in jail since 27.03.2016 and so far only 9 witnesses have been examined out of 39 witnesses shown in the charge-sheet against the applicant and others. Hence, for this reason, it is prayed that the applicant be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient evidence against the applicant for prosecution. Hence, she is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The father of the victim sent his minor daughter with co-accused Anita Pawle to get her placed somewhere in employment. When she was taken to the house of this applicant, who immediately arranged a job for the victim. The father of the victim lodged FIR in the Police Station -Udaylpur, District Surguja, thereafter, the victim was recovered from the house of Hemant Jain in New Delhi.
6. Considered the submissions made and the contents of the case diary. Looking to the role played by the applicant as alleged and taking into consideration the other facts of this case, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge