

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 676 of 2018

Smt. Seema Nagarchi W/o Taman Lal @ Toman Lal Nagarchi Aged About 24 Years R/o Marfat Sato Bais House Near Dewangan Kirana Shop Raipura, Police Station D.D. Nagar, District Raipur, Chhattisgarh.

-----Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station D.D. Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Varunendra Mishra, Advocate.
For Respondent	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/07/2018

1. The applicant has filed this application for grant of anticipatory bail as she is apprehending her arrest in connection with Crime No.155 of 2018 registered at Police Station DD Nagar, Raipur, for the offence punishable under Sections 454,354 (Ga),354(Kha), 34 and 506 IPC and Section 8 of the POCSO Act, 2012.
2. The allegation against the applicant as per prosecution is that, the applicant and other co-accused person i.e. Husband of the applicant namely Taman Singh is said to have gone to the house of the prosecutrix; took the prosecutrix at the terrace (roof) of the house and there the applicant and the co-accused is said to have forcefully removed the clothes of the prosecutrix and tried to outrage her modesty leading to filing of FIR on 15.05.2018.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case. The entire prosecution case is hard to believe and a concocted story made only to implicate the applicant. There is considerable delay in lodging the FIR for which there does not appear to be proper explanation given. Even otherwise, it is difficult to except that the applicant who is wife of the co-accused, has assisted the

Husband to outrage the modesty of a girl. Therefore, prays for release of the applicant on anticipatory bail.

4. The State counsel opposes the bail application on the ground that the nature of allegations levelled against the applicant is quite serious.
5. Having heard learned counsel for the parties and taking into consideration the total facts and circumstances of the case; taking note of the fact that there is delay in lodging FIR for which no explanation has been given and also considering the fact that the applicant is wife of co-accused and she has a two years old child, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge