

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5428 of 2018**

Smt. Sarita Garasiya W/o Shri Vinod Kumar Garasiya Aged
About 40 Years Occupation Service (Teacher), R/o- Mod. Faith
Home, Tripura Colony Thikriya, District- Bansbada (Rajasthan).

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Mahila
Police Station Ambikapur, District- Ambikapur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadha Tripathi, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer
For the Objector	:	Shri Ashutosh Trivedi, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 01/2018 registered at Police Station Mahila Thana Ambikapur, District Ambikapur (C.G.) for the offence punishable under Sections 376(2)(N), 494, 417, 506B, 34, 307 of IPC.
3. Case of the prosecution, in brief is that the husband of the applicant i.e. Vinod Garasiya who was already married and have the children performed second marriage on 25/05/2017 in village Deori with the prosecutrix. Vinod Garasiya had kept the prosecutrix in other places and committed sexual intercourse with her. On 19/07/2017 applicant, her husband Vinod Garasiya beaten the prosecutrix, tied with rope in her neck and another end was tied with the door, if any person opened

the door then prosecutrix may die.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, applicant is in custody since 10/07/2018, therefore, she shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that no other criminal case is registered against the present applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and applicant is in jail since 10/07/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that she shall appear before the trial Court at 11.00 am as and when directed till trial and she would cooperate during the trial, she shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge