

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6461 of 2018**

- Menka Mishra W/o Vinay Mishra Aged About 30 Years R/o- Village Chulhat Road Takhatpur, P.S. Thakatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Appellant**

**Versus**

- State Of Chhattisgarh Through- The Police Station Thakatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Respondent**

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| For Applicant        | : Shri Shailendra Dubey, Advocate |
| For Respondent/State | : Shri Anil Pillai, Dy.AG         |

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**27/09/2018**

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as she is in custody in connection with Crime No.212/2018 registered at police station Takhatpur district Bilaspur (CG) for the offence punishable under Sections 363,366,368,376 & 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, on 18.06.08, FIR was lodged by father of the prosecutrix that one Sunil Kumar Tiwari allured his minor daughter and committed rape on her in the house of the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated and it is the brother of the applicant who had committed the offence and the medical report of the prosecutrix also does not support her

version. He further submits that the applicant is in jail since 24.07.18 and the trial will take time for final disposal and therefore she may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release her on bail. Accordingly, her application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for her appearance before it as and when directed, she shall be released on bail.

Sd/-

(Rajani Dubey)  
Judge