

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7639 of 2018**

Smt. Dileshwari Joshi @ Matiya Joshi, W/o Shri Shetthi Joshi, aged about 30 years, R/o Village Lawar, Joshi Para, P.S. Simga, District Balodabazar-Bhatapara(CG).
--- Applicant

Versus

State Of Chhattisgarh, through Police Station Nandini Nagar, District Durg (CG).
---- Non-applicant

For Applicant	: Mr. Vinay Pandey, Advocate.
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.11.2018

1. This is First bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.144/2018 registered at Police Station Nandini Nagar, District Durg for the offence punishable under Sections 376, 34 of IPC and Sections 5(1), 6 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 21.05.2018 the prosecutrix was more than 16 years of age. She is a resident of village Beeraibhaat. On 21.05.2018, the applicant and her husband had come in the house of prosecutrix. They had consumed liquor and the applicant caught hold the hand of the prosecutrix and applicant's husband committed sexual intercourse with her in the presence of the applicant.
4. Counsel for the applicant submits that the applicant has not committed any offence. She is innocent and has been falsely implicated in the present case, therefore, she may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence;

and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

7. 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 Trial 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 co-operate during the trial, she shall be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-