

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7858 of 2017**

Smt. Sushma Yadav W/o Prabhunath Yadav Aged About 25 Years R/o Village Khairadih Ghasnipara Police Station Shankargarh District Balrampur Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Shankargarh , District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Tripathi, Advocate.

For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.03.2018**

Heard.

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.58 of 2017, registered at Police Station – Shankargarh, District – Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is innocent and she has been falsely implicated in this case. The only allegation against the applicant is that when main accused - Rajkumar

caught hold of the prosecutrix, she left the place by closing the door of the house and she has not facilitated in the commission of the alleged offence. Hence, it is prayed that the applicant be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has given the statement against this applicant that she deliberately left her with the main accused person and closed the door of the house. Hence, looking to the evidence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. As alleged, on 11.8.2017 the prosecutrix had been to the house of this applicant with the purpose of accompanying her for going to labour work. When she was talking to this applicant, the main accused Rajkumar Yadav came on the spot, who caught hold of her and expressed his intention about committing rape with her. At that time, the applicant closed the door of the house and left the spot. FIR was lodged on 16.8.2017. Subsequent to that, the case has been investigated and the charge-sheet has been filed.

6. Considering the entire material present in the charge-sheet, the applicant is in jail since 18.11.2018, looking to the role played by the applicant in commission of offence and the case is triable by the Judicial Magistrate First Class, I am of the considered view that in this case the applicant deserves to be enlarged on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge