

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9223 of 2018**

- Pramila Bai, W/o Dharam Singh, aged about 48 years, R/o Village Mudpaar, P.S. Chilhati, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- P.S. Chilhati, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri J.K. Gupta, Advocate.

For Respondent/State : Smt. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 23/2018, registered at Police Station – Chilhati, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 363, 342, 376 of the IPC and Section 6 of POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 10 years. On 15.09.2018, mother of the prosecutrix namely Pushpa Bai lodged a report wherein it has been stated that on 14.09.2018, co-accused Satyendra @ Sattu (son of the present Applicant) committed sexual intercourse with the prosecutrix at his house. Allegations against the present Applicant is that, at the time of incident Applicant was present in her house and after the incident she cleaned the clothes of the prosecutrix and also threatened her not to tell anyone about the incident. On the basis of the above allegations, offence has been registered. The Applicant has been taken into custody on 17.10.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. He further states that the Applicant is a 48 years old lady and is suffering from Epilepsy disease. He also submits that her son Satyendra is the main accused. The present Applicant is in custody since 17.10.2018 and trial will take time. Therefore, she may be enlarged on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 17.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge