

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28718-2018

Date of decision:- 6.9.2018

Megha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Punit Malik, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Megha, an accused in FIR No.8 dated 19.4.2018, under Section 6/17 of POCSO Act, 120-B and 506 IPC, registered with Police Station Women Cell, Manesar, Gurugram.

Briefly stated, the facts of the case as per the prosecution story are that on 14.4.2018, the victim daughter of Mukesh Kumar, resident of Surat Nagar, Phase-1, Gurugram, a student of 5th Class and aged about 12 years along with her brother Laxman had gone to the house of their elder sister Megha married with Monu having house in Paanch Gaon; on 18.4.2018 Monu had forcible sexual intercourse with the victim;

on the next day in the morning the prosecutrix went out of the house on the pretext of purchasing some household articles and she made a telephonic call to her mother informing her regarding the unfortunate incident, thereafter, accompanied by her mother, the victim went to police station and lodged report there, which formed basis for registration of FIR. The petitioner accused was arrested in this case on 20.4.2018. She had moved an application for regular bail in Court of Sessions at Gurugram but was unsuccessful as the same was dismissed vide order dated 22.6.2018 passed by learned Additional Sessions Judge, Gurugram, as such, she has approached this Court for grant of similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

A perusal of the FIR goes to show that it has no where been alleged that petitioner Megha had conspired with her husband so as to get her younger sister, the victim raped from him. There is nothing to show that she had abetted rape of victim by Monu. The petitioner is in custody since 20.4.2018. It is stated that she is mother of one year old minor son, who is also lodged in jail with her. The upbringing of the child in the environment of jail shall adversely affect his growth. Though the challan has been filed against the accused in the Court but as informed by the State counsel no prosecution witness has been examined during the trial, that means the conclusion of trial is likely to take some time. The guilt of the petitioner shall be determined during the trial.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Gurugram, subject to the following conditions:

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

6.9.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No