

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1603 of 2019**

Santoshi Sahu, W/o. Shri Tularam Sahu, Aged About 35 Years, R/o. Village Temri P.S. City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

---- **Applicant****Versus**

State Of Chhattisgarh, Through : S.H.O. City Kotwali Mungeli, District-Mungeli, Chhattisgarh.

---- **Respondent**

For Applicant	: Mr. Dhreendra Pandey, Advocate
For State/respondent	: Mr. Himanshu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/03/2019**

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.504/2017, registered at Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.), for the offence punishable under Section 363(A), 376, 109, 372, 506 of the Indian Penal Code and Section 04, 06 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. The applicant is in jail since about 18 months and the case against her is still pending. There is likelihood of delay in conclusion of trial. Main witnesses of this case have been examined before the Court below, who have not supported the prosecution case. Therefore, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application submitting that the applicant is mother of the prosecutrix,

who has abetted and forced the daughter to have illicit relation with co-accused. Therefore, she is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant had illicit relation with one co-accused Durgesh Sahu. On the date of incident, this applicant compelled her daughter – prosecutrix to have illicit relation with co-accused Durgesh Sahu and taking benefit of this opportunity, co-accused Durgesh Sahu committed the offence of rape with her.
6. Considered the submissions made and the contents of the case diary. After considering all the material present in the case diary and for the reason that the applicant is a woman, she is in detention since about 18 months and trial is still not concluded, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 his 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge