

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 404 of 2019**

Usha Devnath W/o Parimal Devnath Aged About 50 Years R/o DNK Colony
Narayanpur, District Narayanpur Chhattisgarh, District : Narayanpur,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Narayanpur, District Narayanpur Chhattisgarh, District : Narayanpur,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Avinash Chand Sahu, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 103 of 2018, registered at Police Station Narayanpur, District Narayanpur, Chhattisgarh for the offence punishable under Sections 363, 365 and 370 of the Indian Penal Code and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out regarding the commission of offence as registered against this applicant. The only fault of this applicant is that she employed a minor girl for her household work. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. As per the prosecution case, this applicant abducted the minor prosecutrix having knowledge that the prosecutrix may be subjected to sexual intercourse and had exploited work from her. Hence, this case.

7. After perusing the diary statement of the victim and her statement under Section 164 of the Cr.P.C., I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge