

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1956/2019**

Smt. Shanu Mashih, aged about 47 years, W/o. Shri Sudesh Mashih, R/o. Vijeta Complex, Rajendra Nagar, P.S. Tikrapara, Raipur, Distt. Raipur.

VERSUS

State of Chhattisgarh through the Station House Officer, P.S. Tikrapara, Raipur, Distt. Raipur (CG)

MCRC No. 2535/2019

Smt. Lili Shanti Panna, daughter of Anuranjan Panna, aged about 43 years, R/o. Sadku, Mowa, P.S. Pandri, Raipur, Distt. Raipur. (CG)

VERSUS

State of Chhattisgarh through the Station House Officer, P.S. Tikrapara, Raipur, Distt. Raipur (CG)

For applicant in MCRC No. 1956/2019 Mr. Mahendra Sisodia, Adv.

For applicant in MCRC No. 2535/2019 Mr. P.K. Patel, Adv.

For non-applicant/State Mrs. M. Asha, Panel Lawtyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29-4-2019**

1. As both the above MCRCs arise out of the same crime number of same police station, they are being disposed of by this common order.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant Smt. Lili Shanti Panna and second bail application preferred by applicant Smt. Shanu Mashih before this Court and their no bail application is pending before any other court. First bail application being MCRC No. 599/2019 preferred by applicant Smt. Shanu Mashih was dismissed by this Court vide order dated 22-2-2019 for want of prosecution.
3. The applicants have been arrested in connection with Crime No. 423/2018 registered in police station Tikrapara, Raipur, Distt. Raipur (CG) for offence punishable under Section para 4 and 6 of Section 370(1) of IPC and Section 81 of the Juvenile Justice Act.
4. Perused the case diary.
5. Prosecution story in brief is that complainant Nilesh Sharma approached to co-accused Anuchit Wadekar to get a newly born baby for his sister. He shown him a female baby and told that mother of the baby is Ku. Puja Rao who had given the baby for sale. Complainant Nilesh Sharma made an agreement with co-accused Anuchin

Wadekar to get the baby. Co-accused Anuchit Wadekar told him that applicants, co-accused Abha Mudliyar used to sell newly born babies and earlier they had sold newly born babies to willing persons. They charged for one baby Rs. 1,50,000/-. During investigation it was found that on 12-9-2018 in the dispensary of co-accused Anuchit Wadekar, delivery of Ku. Puja Rao was conducted.

6. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated hence they be released on bail.
7. On the other hand, the State Counsel opposed the bail application. She further submits that one more case under IPC has been registered against applicant Smt. Shanu Mashih and no criminal antecedent has been reported against applicant Smt. Lili Shanti Panna in the police case diary.
8. Earlier this Court has granted bail to co-accused Abha Mudliyar in MCRC No. 326/2019 vide order dated 24-2-2019 and the case of the applicants is identical to that of co-accused Abha Mudliyar.
9. Looking to the above facts and circumstances of the case, applications are allowed.
10. It is ordered that if the applicant Lili Shanti Panna furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, she be released on bail.
11. It is further ordered that if the applicant Smt. Shanu Mashih furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that she will not involve herself in any of the crime in future, she be released on bail.
12. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge