

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3958 of 2019

- Smt. Umasen, W/o Mansharam Sen, Aged About 20 Years, R/o Farfada, P.O.- Kosrangi, Kharora, Raipur At Present P.S.- Purani Basti, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station- Purani, Basti Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Sunita Sahu, Advocate.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/07/2019

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.60/2018 registered at Police Station– Purani Basti, Raipur, District– Raipur(C.G.) for the offence punishable under Sections 363, 342, 34, 376 of the Indian Penal Code & Section 17 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. She is in jail since 09.05.2019. No case is made out against her. There is no specific statement of the prosecutrix regarding any abetment made by this applicant and apart from that the case is pending since more than one year and till date the prosecutrix has not been examined before the trial Court, hence, it is prayed that she may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the incident has taken place in connivance of this applicant with the main accused person, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the prosecutrix is a minor girl of age below 18 years. She was taken by this applicant and the co-accused person to Pune. The co-accused person Mansa Ram happens to be husband of this applicant. Both the accused and the prosecutrix used to reside together in pursuance of labour work in Pune. It is alleged, that the co-accused Mansa Ram used to exploit the prosecutrix sexually without her consent and willingness. Hence, this case.
6. After considering the nature of the allegations against this applicant and also the length of detention, and the case is now pending for trial against her, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge