

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5138 of 2019**

Smt. Sitakunwar, W/o. Ramsunder Pando, Aged About 35 Years, R/o. Pasal, Jamdaripara, Police Station Chandani, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Chandani, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sangeet Kumar Kushwaha, Advocate
For Respondent/State	: Mr. Adil Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/09/2019**

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.12/2018, registered at Police Station – Chandani, District – Surajpur (C.G.) for the offence punishable under Section 376, 342/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 04.06.2018. No case is made out against this applicant according to the material present in the case diary. Therefore, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant had abetted the commission of offence of rape by confining the prosecutrix inside the room, therefore, her application be

rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant invited the prosecutrix to her house and then left her bolting the door from outside, where co-accused Amar Sai was present, who then raped the prosecutrix.
6. Considered on the submissions made and the contents of the case diary. Considered the material present in the case diary and also perused the certified copy of the deposition of the prosecutrix in which she has made variable statement regarding the participation of this applicant in the commission of offence, hence for this reason, 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 her 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 her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge