

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5151 of 2019

- Smt. Sirmat Bai @ Nanbai W/o Raisingh Yadav, Aged About 36 Years, R/o Kharidih, Post- Gopalpur, At Present R/o Village Padki, Harratola, Police Station Amarkantak, District Anuppur Madhya Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Kukdur, District- Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

----Non-applicant

For Applicant – Shri C.K. Sahu, Advocate.

For Non-applicant/State – Shri Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-04-2019 in connection with Crime No.21/2019 registered at P.S. - Kukdur, District- Kabirdham, Chhattisgarh for the offence under Section 363, 366, 376, 368, 34 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. She is in jail since 10-04-2019. She has not committed any offence. Charge sheet has been filed and the case is pending for trial. Therefore, it is prayed that she may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Notice was issued to the complainant/informant which has been served, but there is no appearance.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the FIR, the minor prosecutrix of age about 15 years was

abducted by co-accused Sonu on the pretext that he will marry her and thereafter she was taken to Harratola and from there to Kota, Rajasthan, during which this applicant also accompanied the main accused and the prosecutrix and while their stay in Kota co-accused Sonu exploited the minor prosecutrix sexually.

7. The allegation against this applicant is of abetment. Considering that this applicant is a woman and the case is pending for trial, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge