

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6258 of 2019**

Kerabai Berwa Wife of Babulal Berwa Aged About 52 Years
 Occupation - Housewife R/o Village - Khedli Berisal, Thana - Khatoli ,
 District - Kota, Present Address - Surya Vihar Plot No. 31, Thana
 Kardhari District - Jaipur, Rajsthan. **--- Petitioner**

Versus

State of Chhattisgarh through the Police Station (A J K) Raigarh,
 District Raigarh Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Vidya Bhushan, Advocate.
For the Respondent	:	Mrs. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04.10.2019**

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 199/2016 registered at Police Station AJK, Raigarh, Distt. Raigarh (C.G) for the offences punishable under Sections 365, 366, 370, 376/34 of IPC and section 3(1)(ja)(ba), 3(2)(5)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The first bail application was dismissed as withdrawn on 07.11.2016. Thereafter, the second bail application was dismissed on 20.12.2016 with liberty to repeat the same after examination of the victim.
3. As per the prosecution case, on 12.05.2016 the victim was taken from Bilaspur to Raipur where accused Dev Kumar committed rape on her. Thereafter she was taken to Rajasthan wherein she was sold to one Mahavir, who is son

of the present applicant for Rs.70,000/- and Mahabir also committed similar offence.

4. Learned counsel for the applicant submits that the victim has been examined and a perusal of her statement would show that no allegation is attributed to the mother of accused Mahavir. He further submits that the applicant is in jail since 28.06.2016 and no further investigation is necessary, therefore, she may be enlarged on bail at this stage.
5. Per contra, learned State Counsel opposes the bail application and submits that as per the examination-in-chief of victim, the victim was sold for Rs.70,000/- wherein the family members were present including the applicant who is mother of accused Mahabir.
6. Perused the statement of victim (P.W.4). The applicant is mother of accused Mahabir.
7. Considering the nature of allegations against the present applicant and the fact that the victim has already been examined and further looking to the custody of the applicant as she is stated to be in jail since 28.06.2016, I am inclined to release the applicant on bail at this stage.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for her appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**