

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6375 of 2019**

- Smt. Seema @ Sakuntla Tiwari W/o Shri Devi Prasad Tiwari, aged about 30 years, R/o village at present Ward No. 1, Mela Ground, Lormi, Tahsil Lormi, District Mungeli (C.G.)

---- Applicant**Versus**

- The State of Chhattisgarh Through : S.H.O. Lormi, District Mungeli (C.G.)

---- Respondent

For Applicant	:	Shri Dheerendra Pandey, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****29/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as she is arrested in connection with Crime No.137/2019, registered at Police Station – Lormi, District Mungeli (C.G.) for the offence punishable under Sections 370, 376, 364, 366, 120(B), 37 IPC and Section 9 (1) (2) of Chhattisgarh Private Employment Agency Act, 2013.
2. The allegation against the present applicant is that she first took the prosecutrix to Pendra, from where the prosecutrix was taken to Jhansi and then to Rajasthan where the present applicant sold the prosecutrix to co-accused Pappu Jataw for Rs.1,50,000/-, who committed forcible sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 30.03.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix is major aged about 25 years and the applicant only took the labour work from her. He also submits that the prosecutrix is labourer and she went along with the applicant of her own. He further submits that the prosecutrix never informed her family members that she is going with the applicant for labour work and she disclosed the entire incident to her family members only when she received a phone call from her younger brother. It is next submitted that the applicant is in custody since 30.03.2019 and there is no likelihood of her case being decided in near future. Therefore, she may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. Learned State counsel submits that the prosecutrix has stated in her statement recorded under Section 164 Cr.P.C. that she was administered intoxicated water and then she was taken to Rajasthan.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 30.03.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on her executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for her appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge