

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 532 of 2020**

- Smt. Devkumari Cherwa W/o Mithun Cherwa Aged About 42 Years Resident Of Godhanpur, Near Chuda Mill, Police Station- Gandhinagar District- Surguja Chhattisgarh,

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station- Gandhinagar Ambikapur, District- Surguja Chhattisgarh,

**---- Respondent**

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| For Applicant        | : Shri Devashish Biswas, Advocate |
| For Respondent/State | : Smt. Reena Singh, PL            |

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**09/03/2020**

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 219/2019 registered at police station Gandhinagar, District Surguja (CG) for the offence punishable under Sections 363,366,376(2)(n), 368 and 114 IPC and Section 5(L) and 6 of the POCSO Act.

As per prosecution case, report was lodged by the complainant alleging that he daughter was missing and on enquiry she has come to know that the applicant and her son had abducted her daughter. It is alleged that son of the present applicant had committed sexual intercourse with the prosecutrix on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the main allegation is against the co-accused and that she is his mother. He submits that the applicant is in jail since 22.12.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release her on regular bail. Accordingly, her application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, she shall be released on bail.

Sd/-

(Rajani Dubey)  
Judge