

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2082 of 2020**

Babita Yadav, W/o. Devnarayan @ Baba Yadav, aged about 25 years, R/o. Dharamjaigarh, District – Raigarh (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Darima, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Nishikant Sinha, Advocate

For Respondent/State : Mr. Siddhartha Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/06/2020**

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.166/2019, registered at Police Station – Darima, District – Surguja (C.G.) for the offence punishable under Section 366, 368, 376 (3), r/w. 109 of the Indian Penal Code and Section 6 & 17 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 09.02.2020. The

only allegation against the applicant is regarding commission of offence under Section 368 of Indian Penal Code. The prosecutrix has been examined before the trial Court and she has been declared hostile by the prosecutor. Hence, 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. It is submitted that on the date of incident, the age of the prosecutrix was only 14 years and the allegation against this applicant is of serious nature, therefore, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the juvenile in conflict with law abducted the minor prosecutrix of age about 14 years and then he sought help of this applicant, who provided conveyance to them for taking them to a place in Dharamjaigarh and also gave shelter to the juvenile in conflict with law and prosecutrix in her house.
6. Considering on the allegation against the applicant and also considering that the prosecutrix has been examined before the trial Court and she has been declared hostile by the prosecution side, therefore, looking to the new development, 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 each 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

Balram