

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2001 of 2020**

Smt. Ishwari Sahis W/o Dilip Sahis Aged About 40 Years R/o Rampur Koylari
Punjabi Dhouda Football Ground, P.S. Brijrajnagar District- Jharsukda,
Oddisa.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Urga, District- Korba,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash K. Mishra, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/06/2020**

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.131/2019, registered at Police Station – Urga, District – Korba (C.G.) for the offence punishable under Section 363, 366, 368, 376/34 of the Indian Penal Code and Section 6 & 17 of the Protection of Children from Sexual Offences 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 04.02.2020. The age of the prosecutrix has been shown by the prosecution as 17 years and two months, whereas she is major, which will be established in the trial. Further the prosecutrix is a consenting party and at present she is also willing to reside with the applicant and her son, to continue the married life, as marriage has already been performed. 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 and the submissions made in this respect. It is submitted that this applicant played the role of harbouring the offender, therefore, she is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, co-accused Sunil Kumar Sahis abducted the minor prosecutrix and then on the pretext of performing marriage with her, he has exploited her sexually. The allegation against this applicant is this that she harboured the main offender and also abetted for commission of offence of rape by the co-accused.
6. After considering the facts and circumstances of the case and the role of this applicant in the said commission of offence,, 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 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