

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3750 of 2020

Smt. Aasha Gajbhiye @ Aasha Marathi, W/o. Arvind Gajbhiye @ Munna Marathi, aged about 28 years, R/o. Rajiv Gandhi Nagar, Irani Mohalla, Chowki-Jutmil, Raigarh, Tahsil and District - Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station Kotwali, Outpost-Jutmil, Raigarh, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/07/2020

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.125/2020, registered at Police Station – Kotwali, Outpost- Jutmil, Raigarh District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376, 379, 370 (A), 34 of the Indian Penal Code and Section 6 (17) of 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 FIR that has been lodged by the prosecutrix

herself on 08.02.2020 there was no mention of the name of this applicant. Similarly in the statement given by her to the police under Section 161 of Cr.P.C. and thereafter in the statement before the Magistrate under Section 164 of Cr.P.C. on 10.02.2020 again the name of the applicant was not mentioned by the prosecutrix. On subsequent date on 20.03.2020, the prosecutrix has stated against the applicant making vague allegation of incident that had occurred about two years prior to the date of lodging FIR. It is submitted that two other accused persons namely Shankar and Shital have been enlarged on bail. Hence, it is prayed that the applicant may also be enlarged on 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 according to the statement given by the prosecutrix on 20.03.2020, the allegation against this applicant is clear that she has engaged the minor prosecutrix of age below 16 years in the flesh-trade, therefore, she is not entitled for grant of bail.
4. Notice issued has been returned served upon the informant, but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecutrix has lodged FIR on 08.02.2020 alleging that on being misguided and pressurized by the co-accused persons Shital and

Shankar, she was compelled to marry co-accused Sunil, who knowing that prosecutrix is minor has exploited hers sexually. After lodging of FIR and other statement, supplementary statement was recorded of the prosecutrix on 20.03.2020 in which she has made allegation against this applicant that about two years prior to the lodging of FIR, she engaged the prosecutrix for household works and then by calling the boys from the vicinity, she compelled the prosecutrix to have physical relation with them.

7. Considering on the submissions, it is found that there is gradual development in the case of the prosecution. The name of the applicant was not found mentioned from very beginning. Further two of the co-accused persons have been granted bail, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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