

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4358 of 2020

Smt. Archana @ Seema W/o Shri Ram Avatar Aged About 26 Years R/o
Village Larkoda, P.S. Janakpur, District Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Janakpur, District Koriya
Chhattisgarh.

---- Respondent

For Applicant : Mr. Pawan Shrivastava, Advocate

For Respondent : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

03.09.2020

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.26/2016 registered at Police Station- Janakpur, District Koriya (C.G.) for the offence punishable under Section 363, 366, 370, 376, 34 of Indian Penal Code and 3(1-10), 3(1-12) and 3(2-5) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution case, a complaint was lodged by the prosecutrix alleging that she went along with the applicant to village Janakpur for some labour work where she met Ramavtar husband of the applicant. It is further alleged that they took the prosecutrix to the house of the co-accused Rajesh where they threatened her and performed marriage with another co-accused Devraj and lateron Devraj informed her that she has been sold to him for Rs.40,000/-.

3. Learned counsel for the applicant would submit that this is the second bail application, first bail application was dismissed on 01.02.2017 with liberty to repeat the same after examination of the prosecutrix/victim. Thereafter, the victim has been examined and she has not supported the case of the prosecution. He further submits that on the said ground, the similarly placed co-accused has been granted bail by the coordinate Bench of this Court in MCRC No.6473 of 2019 on 28.11.2019. The applicant has also placed on record the copy of the deposition.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. After going through the documents, without further observation on the merit and the fact that the prosecutrix has turned hostile, I am inclined to release the applicant on bail. Accordingly, the instant bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge