

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4697 of 2020**

- Rukhmani Bai W/o Late Parmanand aged about 29 years, Caste Gond, R/o Village Mayurchundi, P.S. Kunkuri, Tahsil Kunkuri, District-Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through- Station House Officer, Police Station- Kunkuri, District- jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dilman Rati Minj, Adv.
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing her on regular bail during trial in connection with Crime No. 35/2020 registered at Police Station-Kunkuri, District - Jashpur (C.G.) for the offence punishable under Sections 365 and 417 of the IPC.
2. The prosecution story, in brief is that, the applicant was carrying pregnancy and hospitalized in the Holycross Hospital, kunkuri for delivery and she begot a female child on 29.05.2020 at 08 hours. She was hospitalized till 31.05.2020. But looking to the record of the said hospital it is pointed out that on the said date the applicant was not found admitted for delivery and on the basis of documents of the Govt. medical College, Ambikapur dated 02.06.2020 it is found that *"There is no Sign and Symptoms of pregnancy, or resent or past delivery and abortion"*. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the A.N.M.'s and Mitnin who have checked her regularly from the initial stage of pregnancy to the date of delivery, have made online entry in the website of the State Government that she is being regularly treated by them. He also submits that the father-in-law of the applicant has also made a complaint to the Superintendent of Police, District Jashpur that his grand-child has been not handed over to her daughter-in-law and thereby the hospital authorities have committed an offence of theft and crime under other relevant provisions of the law. She is in jail since 31.05.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the present applicant is serious, in nature, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the offence is triable by Judicial Magistrate First Class. The applicant is a lady and in jail since 31.05.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

**Sd/-
(Rajani Dubey)
Judge**