

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5960 of 2020**

Neelandri, W/o. Jaldhar Giri Goshwami, aged about 35 years, R/o. Village Bansuladipa, Police Station Basna, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Singhal, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/11/2020**

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.271/2018, registered at Police Station – Basna, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376/34 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act.
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 according to the material present in the case

diary. She is in jail since 12.07.2018. She is not the main accused. One co-accused namely Vrindavati has been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C. No.4202/2019 vide order dated 12.09.2019. Hence, it is prayed that the applicant may also be released 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 this applicant has actively participated and facilitated the commission of offence by the main accused person against the minor prosecutrix, 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, it is alleged that this applicant and co-accused Vrindavati both enticed the minor prosecutrix and after abducting her, they took the prosecutrix in her house, where the main accused Navin Sahu was present, who exploited the minor prosecutrix sexually on number of occasions, which amounts to commission of offence of rape.
6. Considered on the submissions, the facts and circumstances of the case. For the reason that the co-accused Vrindavati has been granted bail by the Coordinate Bench of this Court and the case of this applicant appears to be similar, hence on the ground of parity, 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

Balram