

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7276 of 2019**

- Khushbu Khan D/o. Sharafat Khan Aged About 35 Years R/o. Atal Awas Urla, P.S. Mohan Nagar, Tahsil And District Durg Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through-The District Magistrate, Durg, District Durg Chhattisgarh, P.S. Mohan Nagar, District Durg Chhattisgarh.

---- Respondent

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| For Applicant  | : | Mr. Jitendra Gupta, Advocate. |
| For Respondent | : | Mr. Anil Tripathi, P.L.       |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****07.01.2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 300/2019 registered at Police Station - Mohan Nagar, District Durg (C.G.) for the offence punishable under Sections 370, 34 of IPC and Section 80 & 81 of Juvenile Justice Act.
- The prosecution story in brief is that, a written report was lodged at concern Police Station against the present applicant regarding the assaulting and beating to a four years old child. On the basis of that, after investigation, offence has been registered against the applicant and she has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the evidence collected by the prosecution are not prima-facie sufficient to hold the

applicant guilty of the aforesaid offence. He further adduced that prima-facie it shows that Sandhya Verma is the real mother of the child and because she is unable to bring up the child, she gave it to the applicant. He next submits that applicant is a 35 years old lady and she is in jail since 17.09.2019, therefore, the present appellant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the applicant is in jail since 17.09.2019 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.
- Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the said Court on each and every date given to her by the said Court.

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