

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7600 of 2019**

- Parmeswar Das S/o Narayan Das Aged About 34 Years R/o Village Katnaipara, Police Station and Tahsil Sitapur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sitapur, District Sarguja, Chhattisgarh.

---- Respondent

MCRC No. 7960 of 2019

- Mira Das W/o Parmeswar Das Aged About 30 Years Resident of Village Katnaipara, P.S. and Tahsil Sitapur, District Sarguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sitapur, District Sarguja Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jitendra Shrivastava, Adv.
For Respondent/State	: Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 98/2019 registered at Police Station Sitapur, District Sarguja (C.G.) for the offence punishable under Sections 313, 376(2) (n), 114, 376(3), 376-A, B of the IPC and Sections 5L, M, N, J(ii), 6 & 17 of POCSO Act.
2. The prosecution story in brief is that, the present applicants are the maternal uncle and aunt of the prosecutrix. After the death of the parents, prosecutrix resides with the applicants.

The allegation against the applicants is that they used to sent the prosecutrix forcefully with the boys for developing physical relations, and, due to which, when she became pregnant, the applicants gave the medicine and committed miscarriage. Based on this, offence has been registered against the applicants and they have been arrested.

3. In respect of applicant Parmeshwar Das, learned counsel for the applicants wants to withdraw his bail application.
4. Accordingly, bail application in respect of applicant Parmeshwar Das is dismissed as withdrawn.
5. In respect of applicant Mira Das, learned counsel submits that the applicant is innocent and has been falsely implicated in the crime in question. He next submits that the statement of the prosecutrix recorded under Section 161 and Section 164 of Cr.P.C is contradictory in nature. He further submits that she is an 30 years old lady and is in jail since 26.08.2019, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age and detention period of applicant, as 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 Mira Das on bail. Accordingly, the application in respect of applicant Mira Das is allowed.
9. Accused/applicant Mira Das 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 to be given to her by the said Court.

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