

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8325 of 2019**

Gloria Kispotta, W/o Charles Xalxo, aged about 68 years, R/o Village Batwahi Mudhapara, Lundra, Ambikapur, District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, P.S. Lundra, District Surguja (C.G.)

----Non-applicant

For Applicant : Mr. Nishi Kant Sinha, Advocate.
For Non-applicant/State : Ms. Akshra Amit, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****11/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 144/2019 registered at police Station Lundra, District Surguja (C.G.) for the offence punishable under Sections 376, 314, 304, 506 read with Section 34 of the Indian Penal Code and Section 5(J)(i), (L)/6 of POCSO Act.

(2) Case of the prosecution, in brief, is that the juvenile co-accused boy committed sexual intercourse with the victim girl, as a result thereof, she became pregnant. Further, the applicant is a retired nurse, who along with other co-accused persons, has helped in abortion of 7-8 months fetus, as a result thereof, victim died on 3.12.2019 due to excessive bleeding and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the

offence in question as there is no evidence available on record to connect the applicant with the crime in question. He further submit that applicant, being the old lady aged about 68 years, has remained in jail since 04.12.2019; charge sheet has already been filed; and main allegation is against the juvenile son of co-accused Vishwanath Ram and no useful purpose would be served in detaining her further in the jail and the trial is likely to take time for its final disposal and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; particularly the facts applicant, being the old aged lady, is in detention since 04.12.2019; trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

