

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 246 of 2021

- Pooja Deshlehre W/o Lalit Deshlehre Aged About 24 Years R/o Village Kusmi, P.S. Berla, District Bemetara (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kumhari, District- Durg (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Prasoon Agrawal, Advocate.
For Non-applicant/State : Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-01-2021

Heard.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26.12.2020 in connection with Crime No.198/2020 registered at Police Station-- Kumhari, District- Durg, Chhattisgarh for offence punishable under Sections 363, 366, 376 and 368 of I.P.C. and Sections 4, 6 and 17 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the case. The only allegation against the applicant is regarding giving the shelter to main accused and the prosecutrix. There is no material in the case diary to show that the applicant has committed the offence of abetment to rape with the minor prosecutrix. The prosecutrix in this case was also not minor on the date of incident, hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that this applicant has no entitlement for grant of bail.

Therefore, it is prayed that this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the co-accused Raja Babu abducted the minor prosecutrix of age below 18 years and then he found shelter in the house of the applicant where he stayed for about 4 days and then the prosecutrix was recovered and made statement. On the basis of her statement the offences have been registered by the police. Hence, this case.
6. Considered on the submission and looking to the nature of the case present against this applicant and other circumstances present, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for her appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge