

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 475 of 2021**

Samaniya Bai, W/o. Anil Majhwar, aged about 21 years, R/o. Lakhanpur Rajwarpara. At Present Chando Bazarpara, Police Station - Lakhanpur, District Sarguja Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station - Lakhanpur, District Sarguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Rohitashva Singh, Advocate

For Respondent/State : Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**25/02/2021**

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.102/2020, registered at Police Station – Lakhanpur, District – Sarguja (C.G.) for the offence punishable under Section 363/120 (B), 366 (A)/120(B), 376 (3)/120(B), of the Indian Penal Code and Section 4 (2)/17 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no evidence against this applicant to show that she has in any manner conspired

with the co-accused for abduction and rape of minor prosecutrix. On the contrary, there is evidence to show that before the incident took place, this applicant had fled from the spot. Hence, it is prayed that the applicant may 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 according to the statement of the prosecutrix, there is clear evidence that this applicant has conspired with the co-accused, in which, the minor prosecutrix was abducted then raped by him. Hence, the applicant is not entitled for grant of bail.
4. Notice was issued to the complainant, which has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that on the date of incident on the call of this applicant, the minor prosecutrix came to her for walk and then on her insistence, she took ride in the motor cycle of the co-accused Lalit Rajwade. The co-accused Lalit Rajwade stopped the motor cycle on one spot, from where this applicant fled and it was after that the co-accused raped the minor prosecutrix. Hence, this case.
7. Considered on the submissions and also the evidence i.e. present against this applicant. Considering the same, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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