

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 1271 of 2021**

Smt. Sandhya Sharma W/o Kamlesh Sharma, Aged About 34 Years R/o Village Jhathiyarpara, Hathbharandi, Police Station Kundai, District Navrangpur (Orissa).

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Sihava District Dhamtari Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Anil Gulati, Advocate.  
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****06.04.2021**

Heard.

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.9 of 2021, registered at Police Station – Sihava, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 376 and 313 read with Section 34 of the Indian Penal Code and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. This applicant is not the main accused in this case. The other allegation against this applicant is that she compelled the prosecutrix for abortion is totally false. The applicant is a woman and she is

in jail since 23.1.2021. Hence, it is prayed that the applicant be enlarged 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 looking to the evidence present in the case-diary, the applicant is not entitled for grant of bail.

4. Notice issued to the complainant for the fixed date of 24.3.2021 has been returned served but there is no appearance or representation.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, main accused – Lokesh Tiwari forcibly raped the minor prosecutrix on number of occasions, because of which, she became pregnant. The prosecutrix was then taken by Lokesh Tiwari and others to the house of this applicant, who took the prosecutrix to a lady doctor and the abortion procedure was carried out by the lady doctor without the consent of the prosecutrix, at the instance of this applicant. Hence, this case.

7. Considered the submissions and the documents present in this case. Considering the fact that this applicant is a woman and also she is not the main accused of this case and also taking into consideration the other circumstances and the evidence present, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge