

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1918 of 2021**

Ram Bai Yadav, W/o. Pancham Yadav, aged about 35 years, resident of Badna, Police Station -Kukdur, District Kabirdham Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Kukdur, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sudhir Kumar Verma, Advocate with Mr. C.R. Sahu, Advocate
For Respondent/State	: Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/07/2021**

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.68/2020, registered at Police Station – Kukdur, District – Kabirdham (C.G.) for the offence punishable under Section 376, 506, 34 of the Indian Penal Code, under Section 4, 6 POCSO Act and Section 3 (2) (v) (क) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in

jail since 30.06.2020. She has not committed any offence as alleged against her. The trial against her is not making any progress. Therefore, it is prayed that she may 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 this applicant has actively participated in the act by aiding the main accused in committing the offence of rape with minor prosecutrix, therefore, she is not entitled for grant of bail.
4. The prosecutrix is virtually present through District Legal Services Authority, Kabirdham. She has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, the minor prosecutrix had been to the premises of the co-accused Ramkumar to receive the arrears of her labour payment on that occasion, the prosecutrix was closed inside the room by this applicant and other co-accused raped her regarding which, the case has been registered.
7. Considered on the submissions. The applicant is woman, she is in detention since about one year and the trial is still pending, hence for this reason, 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