

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2168 of 2021

- Smt. Durpati @ Rameshwari Yadav, W/o Dhan Singh Yadav, Aged About 32 Years, R/o Village Bandhamuda, P.S. Gaurella District Gaurella Pendra Marwahi (Chhattisgarh), District : Gaurella-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Outpost Belagahna, P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rahil Arun Kochar, Advocate.

For State/Non-applicant – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2021

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 19-02-2021 in connection with Crime No.83/2021 registered at Police Station – Outpost Belagahna, P.S. Kota, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 313, 376 of the IPC and Section 6 of POCSO Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. The name of the applicant has not appeared in the FIR lodged, however, her name has appeared in the statement of the prosecutrix under Section 164 of the Cr.P.C. The applicant was not the person who gave message to the prosecutrix for deliberately causing miscarriage and she is not connected with commission of the offence which are registered against other co-accused persons. She is in jail 19-02-2021. Therefore, it is prayed that she may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear statement of the prosecutrix under Section 164 of the Cr.P.C. regarding the role played by this applicant in commission of the

offence of miscarriage of the prosecutrix without her consent. Therefore, her application may be rejected.

4. Complainant Lachhmaniya Bai is virtually present before this Court through Help Desk of the High Court. She has though objection, but she submits that the applicant may be granted bail.

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

6. According to the prosecution case, co-accused Devi Singh abducted the minor prosecutrix, kept her in his custody for a length of time and exploited her sexually, because of which she became pregnant. During pregnancy of the prosecutrix she was kept in the house of this applicant who happens to be sister of the main accused, it was during this time, some woman used to come and give massage to the prosecutrix, as a result of which miscarriage of the pregnancy occurred.

7. Considered on the submissions. Taking into consideration the evidence proposed against this applicant and other circumstances that she is a woman and the trial in this case is likely to take some time, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge