

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3616 of 2021

- Smt. Gouri Yadav W/o Rajesh Yadav, Aged About 42 Years, R/o Deepak Nagar, Green Chowk, Police Station Mohan Nagar, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kabir Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri T.K. Jha, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-04-2019 in connection with Crime No.128/2019 registered at P.S. - Kabir Nagar, Raipur, District Raipur, Chhattisgarh for the offence under Section 363(A), 370(A), 376 r/w Section 34 of the IPC and Section 4, 17 of Protection of Children from Sexual Offences Act and Section 3 of Prevention of Immoral Traffic Act.

2. It is submitted on behalf of the applicant, that this is third bail application of the applicant before this Court. Her first bail application, MCRC No.5528/2019 was dismissed on merits on 05-09-2019 and her second bail application MCRC No.3406/2020 was again dismissed on 10-07-2020. It is submitted by learned counsel for the applicant, that the circumstances have now changed. The two victims of the case have been examined in the trial and they have neither identified the applicant nor they have made any statement against her. On the other hand, the witnesses are totally hostile as they have not supported the prosecution case. The applicant is in jail since about more than two years and the trial against her is still pending. Therefore, it is prayed

that she may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that it is a case of sex scandal in the city in which this applicant was involved in that scandal, therefore, her bail application may be rejected.

4. Notice was issued to the complainant which has been returned served, but there is no appearance and no representation.

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

6. There is no need to consider on the prayer for bail again on merits. Considered on the submissions. Perused certified copy of the depositions of the victims/prosecutrix filed along with the application and it is found that both the victims have been declared hostile as they have not supported the prosecution case. Hence, looking to this development and also the length of detention of the applicant, 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