

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****Order Reserved on 19.08.2021****Order Delivered on 26.08.2021****MCRC No. 4521 of 2021**

1. Smt. Anjana Jangde W/o Shri Balkrishna Jangde Aged About 34 Years R/o Sakunat Village Temri, Thana-Nandghat, District-Bemetara, Chhattisgarh, Present Address- H.I.G.-1/13, Pirda Housing Board, Thana-Vidhansabha, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh Through The Station House Officer, Police Station Tilda-Newra, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	-	Shri Vivek Kumar Agrawal, Advocate with Ms. Supriya Upasane, Advocate.
For Respondent/State	-	Shri Vikram Sharma, Dy. Government Advocate.

Hon'ble Shri Prashant Kumar Mishra, Ag Chief Justice**C A V Order**

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as she he has been arrested in connection with Crime No.109/2021, registered at Police Station – P.S. Tilda-Newra, District- Raipur (C.G.) for the offence

punishable under Sections 307, 454, 354, 376, 120(B), 201, 376(2)(n), 34 of the Indian Penal Code read with Section 66(e) of the I.T. Act.

3. The FIR was lodged by Khilendra Kumar Verma, husband of the prosecutrix on the date of incident itself i.e. on 15-03-2021 informing the Police that his wife called him to inform that an unknown person had entered the house and caused injuries to her by a knife. The FIR was registered for offence under Section 307, 454 and 354 of the Indian Penal Code. On 17-03-2021, her medical examination was done in which no definite opinion was given regarding forcible sexual intercourse. Co-accused Balkrishna, husband of the present applicant, is the main accused. In his medical report, he was shown to have suffered four abrasions. In her dying declaration recorded on 17-03-2021, she has made allegation of commission of rape by unknown person. In her statement under Section 164 Cr.P.C. also she has not named the main accused as the person who committed rape. In her diary statement recorded on 06-05-2021 also, she has made allegation against unknown person. It was known to the Investigating Officer through call details and CCTV footage that the present applicant's husband has committed the offence and he has also been identified by the prosecutrix.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Be that as it may, the present applicant who is the wife of the main accused Balkrishna had not gone to the house of the prosecutrix at the time of incident. The allegation against her is of hatching conspiracy with her husband for committing offence.
6. Considering the entire facts situation of the case and particularly considering the material available against the applicant, as also the fact that the applicant, a lady, aged about 34 years, is in jail since 18-03-2021 and the charge sheet has already been filed, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri