

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4683 of 2021

1. Yashoda Manjhi W/o Late Banshilal Manjhi, Aged About 42 Years, R/o Village Kalmidadar, P.S. Tendukona, Tehsil Baghbahara, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Khallari, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant : Ms. Shivali Dubey, Advocate.

For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 10/12/2020 in connection with Crime No. 234/2020 registered at Police Station Khallari, District Mahasamund (C.G.) for the offence punishable under Section 365, 364(A), 370, 385, 506 read with Section 34 of Indian Penal Code.
- 3) Prosecution case in brief is that complainant namely Birbal Yadav lodged the complaint in Police Station Khallari, District Mahasamund (C.G.) stating that on 08.12.2020, his daughter-in-law namely Tarini Yadav was kidnapped by some unknown persons. At the time of incident complainant's family members were not present at their home. When the complainant inquired about his daughter-in-law from the neighbours, he came to know that some unknown persons took her in their four wheeler vehicle. The police has registered the offence under Section 364(A), 370, 385, 506 read with Section 34 of IPC. During investigation, the present applicant Yashoda Manjhi alongwith co-accused Prakash Jain namely were arrested by the police on

10.12.2020.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She further submits that Tarini Yadav and her husband have jointly filed an application for no objection to grant of bail to the applicant before the trial Court which is duly supported by their affidavits filed as Annexure-A/1 in the present bail application and they stated on affidavit that she (Tarini Yadav) was not kidnapped by the applicant and Prakash Jain, they were not demanded the money as ransom and there is no previous enmity with the applicant. She submits that co-accused Prakash Jain has already been granted regular bail by this Court vide order dated 17/06/2021 in MCRC No. 1364/2021. She also submits that the applicant is in jail since 10.12.2020, charge-sheet has been filed and due to COVID-19 Pandemic, conclusion of the trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that Tarini Yadav and her husband have jointly filed an application for no objection to grant of bail to the applicant before the trial Court which is duly supported by their affidavits and they stated on affidavit that Tarini Yadav was not kidnapped by the applicant and he was not demanded the money as ransom, the detention period of the applicant who is 42 years old, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **co-accused** has already been released on bail by this Court, and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-

- i. she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,
- iv. she shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. she shall not involve herself in any offence of similar nature in future,

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant