

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6354 of 2021

- Sushila Dhimar W/o Ishwar Dhimar, aged about 57 years, R/o Ward No. 36 near water tank Chokhadiya Para Rajnandgaon, Tahsil and District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Lalbagh, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Aditya Bhardwaj, Advocate
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as she is in jail since 28.07.2021 in connection with Crime No. 323/2021 registered in Police Station- Lalbagh, District Rajnandgaon (CG) for the offence punishable under Sections 376 (2), 313, 506, 34 of IPC.
2. As per prosecution story, the prosecutrix lodged a written complaint stating that there was a love affair between co-accused Bhaktraj (son of the present applicant) and the prosecutrix. It is alleged that the said co-accused by alluring the prosecutrix of marriage committed forcible sexual intercourse with her. It is also alleged that due to the said relationships the prosecutrix got pregnant which was got aborted by the applicant and other co-accused persons by giving her some medicine.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, she is in jail since 28.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 57 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, further that co-accused namely Devendra Dhimar has already been granted regular bail by the trial Court, a copy of order is filed by the learned counsel for the applicant with covering memo dated 21.09.2021 in the present bail application, without commenting anything on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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, she shall be released on bail, on 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/her from disclosing such fact to the Court.
 - ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - 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 Government / State Government / Local Authority.
 - v. she shall not involve herself in any offence of similar nature in future.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge