

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8744 of 2020

- Yamuna Gupta W/o Shri Ravi Gupta Aged About 25 Years Caste-Satnami R/o Ward No. 4, P.S. And Tahsil- Basna, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Basna, District- Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Surfaraz Khan, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The earlier application M.Cr.C. No.6302/2020 was dismissed as withdrawn on 08.10.2020. The applicant has been arrested on 22.08.2020, in connection with Crime No.312/2020 registered at Police Station-- Basna, District- Mahasamund, C.G. for offence punishable under Section 384, 342, 34 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 22.08.2020. Charge-sheet has been filed. There is no requirement of any custodial interrogation of this applicant. The allegations against this applicant made by the complainant are totally false and baseless. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the nature of the allegation against this applicant is of very serious nature, according to which, she satisfied her lust with the minor child and then, by making use of his photographs, she also extorted money from the minor victim, therefore, it is prayed that this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the victim is a boy of age 12 years, who was sexually abused by this applicant and this incident of abuse was also photographed by this applicant. There is allegation that this applicant extorted money of about Rs.42,000/- from the victim on the strength of the photographs of the incident. Hence, this case.
6. Considered on the submissions. It is almost 7 months, the applicant is in jail. After filing of the charge-sheet, the case is now pending for trial and further, the applicant is a woman, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 his furnishing a personal bond in the sum of Rs.25,000/- with two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge