

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8903 of 2020

- Smt. Chameli Vishwakarma, W/o Shri Om Prakash Vishwakarma, Aged About 37 Years, R/o Gajraj Camp Kirandul, P.S.- Kirandul, District- Dantewada, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kirandul, District- Dantewada, Chhattisgarh

----Non-applicant

For Applicant – Mr. Ishan Verma, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-10-2020 in connection with Crime No.56/2020 registered at P.S. - Kirandul, District- Dantewada, Chhattisgarh for the offence under Section 376, 372, 109, 376(2)(i) of the IPC and Section 4 of POCSO Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. She is in jail since 19-10-2020. The prosecutrix in this case has been examined in trial and she has turned hostile, therefore, there is no case present against this applicant. Hence, it is prayed that she may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the allegations against the applicant are of serious nature. Therefore, the application may be rejected.

4. The prosecutrix had appeared on notice on 27-01-2021 and she had objected to grant of bail to the applicant.

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

6. According to the prosecution case, this applicant acquainted with the minor prosecutrix and then allured her for earning money easily. The minor prosecutrix got agreed, but this applicant subjected her to prostitution. The prosecutrix then rescued herself, however, her custody was taken by Sakhi Center. Subsequent to which, the FIR has been lodged.

7. Considered on the submissions and also perused certified copy of the deposition of the prosecutrix, which shows that she is a hostile witness and she has not supported the prosecution case in any manner. Hence, looking to this development in trial, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge