

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9237 of 2020**

- Komal Dubey, D/o Rajkumar Dubey, aged about 24 Years, R/o Village Akarjan, P.S. and Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through- Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant
For State

Shri Rakesh Pandey, Advocate.
Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/01/2021

1. The applicant has preferred this application under Section 439 of Cr.P.C. as she has been arrested in connection with Crime No.397/2020 registered at Police Station Khairagarh, District Rajnandgaon, C.G. for the offence punishable under Sections 384, 385 and 389 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant Anil Kumar Jain lodged a report at police station Khairagarh to the effect that father of the applicant used to come to his shop and, therefore, he came in contact with the applicant and they started chatting with each other on mobile. Once the applicant requested the complainant for giving her Rs.3000/- for going to Ambikapur which was given by the complainant to her. Later the applicant demanded

Rs.1 lakh and when the complainant expressed his inability to give the said amount, she started pressurizing him and blackmailing him saying that if her demand is not fulfilled, she would defame him by falsely implicating him in a rape case. On report being lodged to the above effect, the aforesaid offence have been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that she is in jail since 19.11.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, she may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the detention period of the applicant, the fact that charge sheet has already been filed, in particular the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. 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 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, 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 not involve herself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh