

**(2018) 03 CHH CK 0230**  
**In the Chhattisgarh High Court**  
**Case No : M.Cr.C. No. 599 of 2018**

SMT. MALTI WIFE

APPELLANT

Vs

STATE OF CHHATTISGARH

RESPONDENT

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**Date of Decision :** 22-03-2018

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 439  
Indian Penal Code, 1860 — Section 109, 342, 363, 366, 376  
Protection of Children from Sexual Offences Act, 2012 — Section 3, 4, 16

**Citation :** (2018) 03 CHH CK 0230

**Hon'ble Judges :** SANJAY K. AGRAWAL

**Bench :** Single Bench

**Advocate :** C.R. Sahu, D.R. Minj

**Final Decision :** Allowed

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## Judgement

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.563/2017 registered at Police Station Tikrapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 363,366,376 read with Section 109 and 342 of the Indian Penal Code and Sections 3,4 and 16 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution in brief is that co-accused Hemant Bharti (Juvenile) committed offence with the prosecutrix and with the help of the applicant, detained the prosecutrix in her house for two days and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, she has been falsely implicated in crime in

question, she is in custody since 04-11-2017, charge-sheet has already been filed and no useful purpose will be served by detaining her in jail,

therefore, she may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, pre-trial

detention and the charge-sheet has already been filed, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on

regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is 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 trial Court for her appearance

as and when directed.