

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3840 of 2015

Devlal @ Jailal, S/o Sukhdev Sidar, aged about 21 years, R/o Vijay Nagar,
Police Station Kapu, District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Kapu,
District Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Ashish Gupta, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.144/2014 (ST No.43/2015 pending in the Court of 5th Additional Sessions Judge, Raigarh), registered at Police Station Kapu, Distt. Raigarh for the offence punishable under Sections 370, 371 and 374 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant abducted complainant Kalavati from her village for the purpose of exploitation and transported her to Delhi in the month of May, 2014 and handed-over her to the placement agency of co-accused Gaurav Saha @ Guddu which was run by the said co-accused, to engage in the work and thereby the applicant committed the aforesaid offence of trafficking and abducted the complainant and unlawfully compelled her to work as a labour against her will.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in custody since 5-12-2014. He further submits that the applicant has only

taken the girl from Kharsia to Delhi Station as directed by co-accused Sushil Verma and others, and he has not abducted the victim, as such, other co-accused have been engaged in the offence. He also submits that charge-sheet has been filed and no custodial interrogation of the applicant is required, therefore, he may be released on bail. He lastly submits that co-accused Sushil Verma and Santoshi Nawrange have been granted bail by this Court vide order dated 15-7-2015 passed in M.Cr.C.No.3214/2015.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, taking into consideration the nature and gravity of offence, role of the present applicant, the fact that charge-sheet has already been filed, co-accused persons have been granted bail and that the applicant is in jail since 5-12-2014, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his 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 his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge