

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3502 OF 2015**

1. Chaitram S/o Abhilal Vishwakarma Aged about 42 years, R/o Village Premnagar, Pathalgaon, Thana Pathalgaon Civil & Revenue District Jashpur Distt.-Jashpur (C.G.)
2. Smt. Pancho Bai W/o Chhabi Urawn, Aged about 50 years, R/o Village Premnagar, Pathalgaon, Thana Pathalgaon, Civil & Revenue District Jashpur, Distt. Jashpur (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Thana Dharamjaigarh, Distt.-Raigarh (C.G.)

---Non-applicant

For Applicants	:	Mr. Sanjay Agrawal, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/07/2015**

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 applicants who have been arrested in connection with Crime No. 385/2014, registered at Police Station Dharamjaigarh, Distt. Raigarh, for the offence punishable under Sections 363/34, 370, 371 & 374/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, in the month of May, 2014,, co-accused abducted the complainant from her village for the purpose of exploitation and transported her to Delhi and handed over to the applicants placement agency, which was run by the present applicants to engage in the work and thereby the applicants committed the aforesaid offence of trafficking and abduction and unlawfully compel her to work as a labour against her will.

3. Learned counsel for the applicants would submit that applicant No. 2 is maternal grand mother of the victim and applicant No. 1 is neighbour of applicant No. 2, as such, they are not committed any offence. He would further submit that charge sheet has been filed and applicants are in jail since 23/12/2014. He would further submit that no custodial interrogation is required and other co-accused person Gaurav Saha @ Guddu has played the similar role as that of the present applicants and he has already granted regular bail by this Court vide order dated 11/05/2015 in M.Cr.C. No. 1846/2015 and the role played by the present applicants are identical to that of the other co-accused person. Therefore, the present applicants may also be released on regular bail on the ground of parity.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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 offence; role of the present applicants in offence in question; charge sheet has been filed; pretrial detention of the applicants and the fact that similarly situated co-accused namely Gaurav Saha @ Guddu has already been granted regular bail by this Court in M.Cr.C. No. 1846/2015 on 11/05/2015, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Chaitram and Smt. Pancho

Bai, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court. Applicants shall appear before the trial Court regularly on each and every date as and when given to them by the said Court till the trial is concluded.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari