

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3187 of 2015

- Mohd. Dilshad Alam s/o. Mohd. Shabbir Alam, aged about 24 years, r/o. village Jirhul, Kusumi, Police Station Raipur, Tahsil Kusmi, Civil & Revenue District Surguja (CG).

---- Applicant

Versus

- State Of Chhattisgarh Acting Through: Officer-in-Charge, Police Station Raipur, Civil & Revenue District Surguja (CG).

---- Respondent

For Applicant	:	Mr. K.A. Ansari, Sr. Advocate with Mr. Devesh G.Kela Advocate.
For Respondent/State	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 28-2-2015 in connection with Crime No. 14 of 2015 registered at Police Station Raipur, District Balrampur, Ramanujganj (CG), for the offence punishable under Sections 363, 366-A, 376, 370-D of IPC, Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2-5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The case of the prosecution, in brief, is that present applicant along with other co-accused person namely Vikesh Jaiswal abducted the prosecutrix Ku. Chandravati and took her to Delhi where she was sold/exploited for the purpose of trafficking to Smt. Shanti Bai and thereby committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that it is the co-accused Vikesh Jaiswal, who allegedly committed rape on prosecutrix and abducted her to work at Delhi with co-accused Shanti and present applicant only

accompanied her to Delhi as directed by Vikesh Jaiswal and took her to co-accused Shanti who is service provider and as such present applicant has no role in the offence in question. He would further submit that present applicant neither sold nor kidnapped the prosecutrix, charge-sheet has been filed, he is in jail since 28-2-2015 and no useful purpose would be served by detaining him in jail, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposing the bail application would submit that the prosecutrix/complainant was sold to co-accused Somari @ Shanti for Rs.22,000/-, therefore, present applicant is not entitled to be released on bail.
5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant, charge-sheet has been filed, pre-trial detention of the applicant, there is no allegation of rape and further taking into consideration the co-accused persons have already been granted bail by the trial Court, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge