

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4590 of 2015**

Bikesh Jaiswal, S/o Raj Kumar, aged about 20 years, R/o Dandapur, PS Rajpur, Dist.Balrampur-Ramanujganj (CG)

---Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Rajpur, Dist. Balrampur-Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr.Jitendra Shrivastava, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

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 applicant who has been arrested in connection with Crime No.14/2015, registered at Police Station-Rajpur, District-Balrampur-Ramanujganj (C.G.), for the offence punishable under Sections 363, 366(k), 376 & 370(gha) of the IPC, Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that, the present applicant along with other co-accused person 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. Leaned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is an inordinate delay in lodging

the F.I.R. Even missing report has been lodged by father of the prosecutrix after two months and co-accused Mohd.Dilshad Alam and Smt.Shanti Bai have been released on bail. He would also submit that the applicant is in jail since 28.2.2015, charge-sheet has already been filed and no further interrogation is required and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the bail application and submit that the present applicant is the main accused who has abducted the prosecutrix and committed sexual intercourse with her and sold her to Smt.Shandi Bai for the purpose of human trafficking.

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

6. Taking into consideration the facts & circumstances of the case, further taking into consideration the nature & gravity of the offence, role of the present applicant in kidnapping, rape and human trafficking, I am of the opinion that the present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Consequently, bail application filed under Section 439 of the CrPC is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-