

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5779 of 2015

1. Kaleshwar, S/o. Malikram, aged about 20 years, R/o. Village Chulhakhol, Tahsil – Dharamjaigarh, Civil and Revenue District Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station Kapu, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. A.K. Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

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.65/2015, registered at Police Station – Kapu, District Raigarh (C.G.) for the offence punishable under Section 363, 370, 371, 374/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 26.07.2015, the complainant Rijhan Uranw lodged a report stating that the applicant alongwith other co-accused has taken his minor daughter from his home for engaging in house hold works at Raipur, Delhi. Thereafter, the report is made, the statement was recorded and the charge-sheet has been filed.
3. Learned counsel for the applicant would submit that as per the statement of the girl itself, the applicant is the brother and they were going to execute the job of ropa in the field and while she was going they were caught hold. She would submit that no offence has been

committed by the applicant. Therefore, prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that along-with other co-accused, the applicant has taken the girl from the lawful custody of her father and were engaged in human trafficking.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement recorded under Section 161 and compared to the statement under Section 164 of Cr.P.C. recorded before the Magistrate, ambiguity has been created in the statement. Taking into contradictory statement made u/s. 164 of Cr.P.C. and the fact that the charge sheet has been filed and the applicant is in jail since 27.07.2015, 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.
8. It is directed that applicant shall 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge