

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4744 of 2015**

- Sandeep Karthia, S/o Praveen Bhai, aged about 35 years, R/o. Dwarikesh Apartment, Bada Park Society, Near Mirambika Society, Naranpura, Ahmadabad, District Ahemdabad (Gujrat)

---- Applicant**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station – Hasoud, Tahsil-Jaijaipur, Distt. Janjgir-Champa (C.G.)

--- Non-applicant

For Applicant: Shri Awadh Tripathi, Advocate.

For Respondent/State: Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 107/2015 registered at Police Station Hasoud, Distt. Janjgir-Champa for offence punishable under Section 370 (3)/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant was found involved in trafficking of 13 persons and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the offence in question as he has not committed any offence. The applicant is the H.R. Manager in India Gujarat and he is employee of Malaysian Company known as A.P.P.W.D. SDN BHD. The complainants were interested in getting job in Malaysian Company, for which, they made applications to the Malaysian Company, thereafter, their medical report were called and they were found fit thereafter they got their passport prepared and Visa issued by the Competent Authority on their own will, thereafter, they entered into work agreement for one year i.e. from 26.05.2015 to 25.05.2016 with the said Company on a salary of Rs.55,000/- per month and they were getting salary of ₹ 35,000/- per month and it is co-accused Vijay Berman, who has assisted the applicant for providing employment to the complainants in Malaysian company and he is the main accused. He further submits that as the complainants failed to cope up with the work with Malaysian Company, for which, they were appointed, therefore, parents of the complainants have lodged the report and pursuant to which offence of trafficking has been registered against the applicant. He further submits that applicant is in jail since 9.8.2015 and even his name has not been mentioned in First Information Report and the applicant has been implicated only on the basis of memorandum statement of Vijay Berman, who is main accused and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that act of the applicant comes within the definition of Section 370 (3) of the IPC that applicant recruited and transported the complainants at Malasiya for the purpose of exploitation and thereby committed the aforesaid offences.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; further considering the contents of the FIR, in which applicant is not named, his role in offence in question; and the material available in the case diary; and the allegation is against co-accused—Vijay Berman; further considering his pre-trial detention and the substantial investigation has already been made; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant – **Sandeep Karthia** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to 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

D/-

