

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5651 of 2015**

- Vijay Kumar Barman, S/o Dujeram Barman, aged 38 years, R/o Parsada P.S. Hasoud, Tahsil-Jaijaipur, District Janjgir – Chamapa (C.G.

---- Applicant**Versus**

- State of Chhattisgarh Through: District Magistrate, Janjgir – Chamapa, Dist. Janjgir-Champa (CG).

---- Respondent

For Applicant	:	Mr. Rajeev Shrivastava, Advocate.
For Respondent/State	:	Mr. O.P.Sahu, Government Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27/10/2015**

1. The applicant has preferred the instant bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No.107/15 registered in Police Station Hasoud, Dist. Janjgir – Champa (C.G.) for offence punishable under Section 370(3)/34 of the I.P.C.
2. Case of the prosecution, in brief, is that applicant was found involved in trafficking of 13 persons and thereby committed the aforesaid offence.
3. Learned counsel 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 working with one Sandeep Karthia, who is an employee of Malaysian Company. Since the complainants were interested in getting job in Malaysian Company, they made applications to the Malaysian Company, thereafter their medical reports were called and they were found fit and passport was prepared. Visa was also issued by the Competent Authority on their own will, thereafter, they entered into work agreement for one year with the said company on different salaries. It has been further

submitted that the complainants failed to cope up with the work with Malaysian Company, for which, they were appointed, therefore, the parents of the complainants have lodged the report and pursuant to which offence of trafficking has been registered against the present applicant. Learned counsel further argues that earlier the allegations levelled against this present applicant in the statement of Shankar Lal Mahilange are incorrect. He further submits that applicant is in jail since 09.08.2015 and that similarly situated accused person, namely, Sandeep Karthia has been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C.No. 4744 of 2015 passed on 29.09.2015. It is further submitted that wrong submission was made by co-accused Sandeep Karthia against this applicant at the time of grant of bail to him. He submits that the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the order passed in M.Cr.C.No.4744/2015.
6. Taking into consideration all the facts and circumstances of the case, role of the present applicant in the offence in question; further taking into consideration that while bail of Sandeep Karthia was considered by co-ordinate Bench, it was observed by the Court that primary allegations are against present applicant – Vijay Kumar Barman; further that co-accused – Sandeep Karthia has been granted bail predominantly on the basis of that ground alone; further taking into consideration the statements of the witnesses, it appears to this Court that primary allegations are levelled against the present applicant, who had actively participated in commission of crime and the veracity of the statement even by one witness cannot be questioned at this stage, I am not inclined to enlarge the applicant on bail.
7. Accordingly, the instant bail application is rejected.

