

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.516 of 2016

Smt. Prabha Devi, W/o Shankar Das Manikpuri, aged about 55 years,
R/o Village Amagohan, Chowki Belgahna, P.S. Kota, Civil and
Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Kota, Civil and Revenue District Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Avadhesh Mishra, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.196/2013, registered at Police Station Kota, Distt. Bilaspur, for the offence punishable under Sections 363, 366A, 370, 370A, 372, 373, 376, 376E read with Section 34 of the IPC; Sections 3, 4, 5 (2), 6 (2) of the Protection of Children from Sexual Offences Act, 2012; and Section 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that a complaint was made on 20-7-2013 by Patiram that his daughter Rewati Bai went to Itwari Yadav's house for watching TV, thereafter, she did not come back. Subsequently, on investigation, the victim was found at Satya Gali, Meerganj, Allahabad near Ghadi Chowk. After investigation, the case

was registered against the present applicant along with other co-accused.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case, there is no role of the present applicant, it is Rajni and her husband who are alleged to have committed the offence and the applicant has never forced the victim for prostitution. The applicant is in jail since 14-7-2015. Learned counsel would further submit that similarly situated co-accused Smt. Suman Panikar has been granted bail by a coordinate Bench of this Court in M.Cr.C.No.5712/2015 by order dated 27-10-2015.
4. On the other hand, learned State counsel would oppose the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant along with other two co-accused that they have forced the victim into prostitution and that the case of co-accused Smt. Suman Panikar is clearly distinguishable which is apparent from para 6 of the order dated 27-10-2015 passed in M.Cr.C.No.5712/2015, I am not inclined to grant bail to the applicant. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge