

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3572 of 2016

1. Chiman Datani, S/o. Vallabh Das Datani, aged about 50 years, R/o. Chikata, Police Station – Navibander, District – Porbander Bhaktinagar Rajkot (Gujrat)

----Applicant

Versus

1. State of Chhattisgarh, Through : SHO, P.S. - Durgukondal, District – North Bastar Kanker (C.G.)

---- Respondent

For Applicant	: Mr. D.N. Prajapati, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. Govt Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/07/2016

1. This is the second 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.22/2014, registered at Police Station – Durgukondal, District – North Bastar Kanker (C.G.) for the offence punishable under 365, 366, 368, 370(3), 376, 384, 506/34 of Indian Penal Code. The first bail application was dismissed on merit vide order dated 08.12.2015 in M.Cr.C.No.6660/2015.
2. Case of the prosecution, in brief, is that on 29.01.2014 the prosecutrix was allured by Ganesh @ Ajay Sharma and was taken to Rewadi (Haryana) where she was kept in the house of Ganesh and she was forcibly committed sexual intercourse by him. Thereafter, she was taken to the house of his friends namely Viru, Jitendra and Lalchandra where she stayed for a week and again

she was subjected to sexual intercourse by Ganesh @ Ajay Sharma. Thereafter Ganesh took her to Nagpur by train and she was left at Nagpur Railway Station where Deepa Bai met her and she was forcibly kept in the house of Deepa Bai at Nagpur. Deepa's husband Sonu contacted with Rajni Bai. It is alleged that Deepa Bai has purchased the prosecutrix for Rs.35,000/- and sold her to Piyush and Omprakash for Rs.85,000/-. Thereafter Sonu, Harikishan, Piyush and Prakash have taken the prosecutrix to Surat where she stayed in the house of Prakash. Piyush married her on 04.03.2014 and he committed forcible sexual intercourse with her for 2-3 months and she became pregnant. When she returned to the house of her parents, her pregnancy was aborted. It is alleged that Chiman Bhai is dealing in women trafficking.

3. Learned counsel for the applicant submits that the victim has been examined and nothing has been stated against this applicant, therefore, 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 according to the statement under Section 164, the present applicant was working as an agent for sale of girl, therefore, at this stage, the applicant may not be enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim under Section 164 of Cr.P.C., wherein direct allegation have been attributed to this applicant that he was working as an agent for sale of girl. The argument of the learned counsel that the victim has not identified the present

applicant would not come to his rescue. The allegations are that the applicant was working as an agent, therefore, the entire facts has been evaluated after the entire evidence is placed on record. Considering such facts, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge