

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3378 of 2016

Aman @ Sushil @ Biru Khalkho, S/o. Budhram Khalkho, Aged About 25 Years, R/o. Village- Damgada, P.S. Sitapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police In Charge, Police Station Kapu, District – Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. M.K.Jaiswal, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.59/2015 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 a report was lodged by the father of the prosecutrix that the applicant has enticed the prosecutrix and took her with him and thereafter on investigation, it was revealed that the applicant has taken the victim from Ambikapur to Delhi and she was sold at Delhi wherefrom she was recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he has not committed any offence. He further submits that the other co-accused Shrawan Kumar has

been enlarged on bail by this Court on 24.11.2015 in MCRC No.6199 of 2015 and the victim went alongwith the other co-accused, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim wherein direct allegations have been made against this applicant and the case of the applicant is different with that of Shrawan Kumar who has been enlarged on bail as the main allegation of taking the victim to Delhi is on this applicant. Taking into the statement and memorandum of this applicant wherein identity has not been disputed of Sunil and Sushil and further considering the role played by this applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge