

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3840 of 2016

1. Saniyaro, W/o. Bhuneshwar, aged about 27 years, Caste – Malar, Occupation- Labour (Aaya), R/o. Village-Sonkyari, P.S. Sanna, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. – Udaypur, District – Sarguja (C.G.)

---- Respondent

For Applicant	: Mr. C.J.K. Rao, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Govt Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/07/2016

1. This is the first 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.24/2016, registered at Police Station – Udaypur, District – Sarguja (C.G.) for the offence punishable under 363, 370/34, 87, 81, 11 of Indian Penal Code, Section 14 of Child Labour Prohibition and Regulation Act, 1986 and Section 3 (1) (R) of S.C & S.T. Act.
2. Case of the prosecution, in brief, is that on 09.03.2016 a report was made by one Juglal Paikara that her daughter Ku. Rimla and minor girl of his neighbour namely Tulaso Manjhwari are missing. Subsequently on investigation it was found that minor girl Tulaso and Rimla were taken to Delhi by the other co-accused Anita, Chanda Devi and Rajkumar Soni and in relation Rajkumar Soni is stated to be cousin brother of the present applicant – Saniyaro and

at her instance, they will get the money if the child were taken to Delhi and they were made to work and they were recovered at Delhi. On further investigation it shows that the girls were subject of sale of Rs.20,000/- to the placement agency. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and she was working at Delhi and since she only expressed the fact that some workers are required, the child were brought to Delhi, therefore, no offence has been made out. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 24.03.2016. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the memorandum statement of Rajkumar Soni as also the statement of other witnesses, which shows that at the instance of the applicant, other co-accused brought the child to Delhi and thereafter, they were subject to sale to the placement agency. 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