

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1895 of 2016

Pareshwar Tiwari, S/o Heera Lal Tiwari, aged about 29 years, R/o Nayapara, Hirri, P.S. Farasgaon, Revenue and Civil District Kondagaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Farasgaon, District Kondagaon (C.G.)

---- Non-applicant

For Applicant:	Mr. Pravin Kumar Tulsyan, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/04/2016

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.150/2015, registered at Police Station Farasgaon, Distt. Kondagaon, for the offence punishable under Sections 363, 370(1)(4) of the IPC; Section 9(1)(2) of the Chhattisgarh Niji Niyojan Adhikaran Adhiniyam; and Section 3(1)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant abducted one minor victim Praveen and two major victims, took them to Odisha and handed-over to co-accused for the purpose of exploitation/trafficking and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the

case, the victims had gone voluntarily to work in the bore well company, they came back after one and half months and wages have already been paid to them. The victims came back safely, in fact, there is no offence of trafficking committed by the applicant who is in jail since 5-11-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes 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 applicant, his pretrial detention, two victims said to be the major victims and charge-sheet has been filed, I consider it a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge