

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3148 of 2016

Gaurav Saha @ Guddu, S/o. Jokhram, Aged About 37 Years, R/o. Hariwatika Chowk, Betiya, Thana Mufsil, Betiya, Civil & Revenue District Betiya, District Betiya, (West Champaran). At Present R/o. Saha Sadan, J.J. Colony, Sakurpur, Thana Subhash Palace, District North West, Delhi

---- Applicant

Versus

State Of Chhattisgarh, Through Thana-Kapu, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.06.2016

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.114/2015 registered at Police Thana Kapu, District Raigarh (C.G.) for the offence punishable under Section 370, 371, 363 & 374/ 34 of Indian Penal Code and Section 4 of POCSO Act, 2012.
2. Case of the prosecution, in brief, is that prior to 24.12.2015, the victim, who is a minor girl was taken away by her mother and other co-accused to Delhi and she was made to work as domestic help. Subsequently, she had written a letter to the father and the FIR was lodged. It is alleged that the girl was taken away to Delhi by her mother and was made to work as domestic help and the allegation against this applicant is that he had provided job at two flats and she discharge his job as domestic help in the said house.

3. Learned counsel for the applicant would submit that the applicant was only running a placement shop and according to the statement under Section 164 of Cr.P.C., it would show that the role played by this applicant is that he had provided job to the minor girl for surviving, therefore, considering the fact that the charge sheet has been filed and the applicant is in jail since 05.03.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim under Section 164 of Cr.P.C. After perusal of the statement and considering the degree of allegation leveled against this applicant and the fact that the charge sheet has been filed and the applicant is in jail since 05.03.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall 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 trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge