

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3893 of 2016

1. Rajni Bai Vinod Tyagi, W/o. Vinod Tyagi, aged about 40 years, R/o. Village- Jay Ambe Nagar, Mandewadi, Near Power House, Nagpur, Kumhartola, Nagpur, P.S. - Kalmana, District – Nagpur (MH)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Durgukondal, District – North Baster, Kanker (C.G.)

---- Respondent

For Applicant	: Mr. H.S. Ahluwalia, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/07/2016

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.22/2014, registered at Police Station – Durgukondal, District – North Baster Kanker (C.G.) for the offence punishable under Section 365, 366, 368, 370(3), 376, 384, 506, 34 of the Indian Penal Code.
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. Thereafter, Deepa Bai contacted with the present applicant and got certain documents executed to show the marriage with one Piyush. Thereafter, she was taken to Surat, wherein it was revealed that she has been sold for Rs.85,000/-.

3. Learned counsel for the applicant submits that nothing has been placed on record to show that the applicant has been involved in this case and Piyush has been acquitted, therefore, actually the sale of victim has not been substantiated and the statement of the victim was recorded on 17.03.2016 after rejection of bail on 08.12.2015, wherein nothing has been attributed to this applicant. 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 statement of the victim, which was again recorded on 17.03.2016. The prosecutrix has identified the present applicant and it is stated that Deepa Bai, Rajni Bai, Harikishan and Kamlakar before going to Surat get certain document executed. So the presence of the applicant is established. Subsequently, it was revealed that she was sold to Piyush by Deepa Bai for Rs.85,000/-. Considering such fact I do not find any change of circumstances as

definite allegations have been attributed to this applicant in the statement and is indentified. The involvement of the applicant has to be further evaluated after the entire evidence is recorded. 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