

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 903 of 2016**

1. Anil Sharma, S/o. D.D. Sharma, aged about 59 years, R/o. Flat No. 40, Promis Apartment, Vikashpuri, New Delhi (New Delhi).

----Applicant**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Station : Asta, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/10/2016**

1. Apprehending arrest in connection with Crime No.16/2012 registered at Police Station- Asta, District – Jashpur (C.G.), for offence punishable under Section 363, 366-A, 370, 371 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the father of the victim on 20.05.2012 that in the year June 2010 her daughter was missing. Subsequently when the daughter was found it was revealed that the said daughter was taken away by Kamlesh, Tueechu Ram and Sita Devi from Jashpur to Delhi and was subject of sale to the present applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant had no knowledge that a case was pending against him. It is

submitted that the girl was employed for domestic help in the house of the present applicant through agency namely Khushi Enterprises from 09.09.2010 to 09.08.2011 for which an agreement was entered upon as per Annexure A/2 and she worked up till 09.06.2011, she left on her own for which the applicant made a report to the S.H.O., Vikashpuri New Delhi on 10.06.2011 and the applicant in any case was not involved in trafficking of the girl. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. The trial against the other co-accused has been concluded, whereby three other co-accused has been convicted. Considering the documents Annexure A/4 & A/5 the information which was sent and the agreement which is placed on record with Khushi Enterprises it appears that girl was working as domestic help at New Delhi. Considering the same and the role played by this applicant, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge