

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7355 of 2016

1. Joseph Munda @ Birsa Munda, S/o. Gomen Munda, aged about 32 years, By Caste- Munda,
2. Reshma Munda, W/o. Jogesh Munda, aged about 31 years, By Caste- Munda,

Both are residents of Village- Bande, P.S. - Muru, District -Khunta (Jharkhand)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station- Jashpur, District – Jashpur (C.G.)

---- Respondent

For Applicants	: Ms. Pritha Ghoshal, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2016

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 applicants who have been arrested in connection with Crime No.347/2015, registered at Police Station – Jashpur, District – Jashpur (C.G.) for the offence punishable under Section 363 and 370/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the victim/minor girl on the pretext to get her employed was enticed away from the custody of her parents by one Devnath Nayak @ Devnath Ram. Thereafter, they went to village-Charkata, wherein she stayed in the company

of the present applicants - Joseph Munda and Reshma Munda. Thereafter, the victim went along with the present applicants to Delhi and sent for some job to do as a domestic help, which she refused and came back for which a report was made on 23.12.2015 for the incident happened on 17.12.2015.

3. Learned counsel for the applicants submits that the victim herself went along with the present applicants and other co-accused and when she refused to do the job, she came back and no allegation is attributed to the present applicants about any trafficking and other co-accused, Devnath Nayak has been released on bail vide order dated 22.08.2016 in M.Cr.C. No.4603/2016, therefore, the counsel prays that the applicants 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 recorded under Section 161 and 164 of Cr.P.C. of the victim/girl. Considering the facts and circumstances of the case as it is stated that the victim went along with the present applicants to Delhi and came back subsequently. Taking into the degree of allegation and the fact that charge-sheet has been filed and further considering the fact that the other co-accused has been enlarged on bail vide order dated 22.08.2016 passed in M.Cr.C. No.4603/2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram