

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6586 of 2017

Smt. Amaresh Das W/o Mohandas Panika Aged About 27 Years R/o Village
Khodari Police Station Udaypur District (Revenue & Civil) Surguja
Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station A J K Ambikapur District
(Revenue & Civil) Surguja Chhattisgarh.

---- **Respondent**

For Applicant	:	Shri S.D. Singh, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.33 of 2016 registered at Police Station- AJK Ambikapur, District (Revenue & Civil) Surguja (C.G.) for the alleged commission of offence under Section 363, 366, 366 क, 368, 376, (2)(अ), 370 (5), 370(क). (I)(II), 372, 344, 374, 34 of IPC and 5 (क), 6, 17 of the Protection of Children from Sexual Offences Act, 2012 and 3(2-5) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that the applicant was involved not only in trafficking but also in supplying minor girl for being subjected to rape by other persons.
3. Learned counsel for the applicant would submit that the prosecution has registered more than one case in respect of the same transaction. He would submit that earlier on the allegation that the prosecutrix was kidnapped and attempt was made to traffick her, a report was lodged in Police Station- Lakhanpur where crime in Crime No. 151 of 2016 was registered for

offences punishable under Section 363, 376, 342 read with Section 34 of IPC. In that case, there was no allegation of rape. Later on, in respect of the same transaction, another criminal case was registered in Anushuchit Janjati Kalyan Police Station Ambikapur and the applicant has again been made an accused in the another crime number in the Ajak Police Station where now an allegation of minor girl being subjected to rape has been leveled against co-accused and the applicant has been implicated on the allegation that the applicant is involved in woman trafficking and sexual exploitation etc.

4. On the other hand, learned State counsel opposes the prayer and submits that earlier missing report lodged by the father of the prosecutrix, criminal case was registered in Police Station Lakhanpur and later on, when the matter was reported to Ajak Police Station Ambikapur, a separate criminal case has been registered.
5. It appears that one criminal case was registered by the police of police station Lakhanpur under crime No.151 of 2016 in which allegations were levelled against the applicant Amaresh Das of having been involved in commission of offences under Section 363, 370, 342 read with Section 34 of IPC. Later on, the matter was reported to Ajak Police Station, Ambikapur and another crime has been registered in respect of the said transaction now with an allegation of commission of offence under Section 376 against the applicant. 164 Cr.P.C. statement of the prosecutrix, prima facie, shows that the prosecutrix was taken to the house of the applicant and then the applicant called three persons and minor prosecutrix was compelled to go along with one of them and subjected to rape. In that view of the matter, I am not inclined to grant bail. Therefore, the bail application is rejected.
6. A copy of this order to be sent to the Superintendent of Police of Surguja for taking notice of the fact that two different criminal cases have been registered.

Sd/-
(Manindra Mohan Shrivastava)
Judge