

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2486 of 2017**

- Smt. Kiran Gangwani W/o Rajesh Gangwani, Aged About 35 Years R/o Shanti Nagar, Near New Life Hospital, Police Station Civil Line, Tahsil Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

MCRC No. 2492 of 2017

- Amit Rajpal S/o Man Singh, Aged About 35 Years R/o Dayalband, Police Station City Kotwali, Tahsil Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

MCRC No. 3061 of 2017

- Bharat Dewangan S/o Roshanlal Aged About 23 Years R/o Village- Near Nag Nagin Talab, Bahtarai, Police Station- Sarkanda; Tahsil & District (Revenue & Civil)- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Civil Line, Bilaspur: District (Revenue & Civil)- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri KK Khatri and Shri Vijay Kumar Mishra, Shri Sumit Jhawar, Advocates
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.10.2017**

As all the above bail applications arise out of same incident and crime number, all are being heard and disposed of by a common order.

2. These are the applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.129/2017 registered in Police Station Civil Line, District Bilaspur (CG) for the offence punishable under Sections 323, 342 & 370 of the Indian Penal Code and under Sections 5 & 6 of Immoral Traffic (Prevention) Act, 1956. Applicants Smt. Kiran Gangwani and Amit Rajpal are in jail since 22.02.2017 and applicant Bharat Dewangan is in jail since 31.3.2017.

3. As per the case of the prosecution, present applicants are said to have involved in the offence of illegal trafficking and also detaining the trafficked person.

4. Contention of learned counsel for the applicants is that victim in the instant case has been examined as prosecution witness No.2 and she has categorically denied the entire prosecution story and has turned hostile and has not supported the case of the prosecution in any manner. They further submit that as the victim has turned hostile, there is no possibility that the present applicants to be convicted on the basis of the said deposition. Hence, the present applicants may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application on the ground that the applicants have involved in the offence of serious nature.

6. Having considered the contention of both the parties and after perusal of the deposition of the victim where she has turned hostile and has not supported the case of the prosecution, this Court is of the view that prima facie a strong case for grant of bail has been made out by the applicants.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them 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 Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE