

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3987 of 2017**

- Rajnish Kumar S/o Chetram Aged About 27 Years R/o Village Dhalwan, Police Station Sarkaghat, District Mandi, Himachal Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Khadgawan, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant	: JK Shastri, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.8.2017**

Perused the note of Office dated 26.7.2017. As per the note, no co-accused persons have preferred any bail application in connection with present matter.

2. Heard the matter finally.

3. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.55/2017 registered in Police Station Khadgawan, Distt, Koria (CG) for the offence punishable under Sections 363, 370, 34 of the Indian Penal Code.

4. Learned counsel for the applicant submits that the applicant has been arrested on 17.4.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate

First Class, Chirimiri, Distt. Korea. Learned counsel for the applicant is not aware of the criminal case number of the matter. Learned counsel for the applicant submits that it is a case in connection with trafficking of minor. Against the applicant only charges are under Section 374 of the IPC. In the present matter charge sheet is filed against total five accused persons. The applicant has not involved in the human trafficking and kidnapping, hence, he may be released on bail. Moreover, the minor children were not recovered from the applicant.

5. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants and would submit that co-accused persons have left the minor with the applicant and the applicant did not allow them to take leave. When the minor denied to do any work with the applicant, the applicant asked for Rs.15,000/- from then. As the said money was no available with the minor, he was working for the applicant under compulsion. Looking to the entire facts, the instant bail application may be dismissed.

5. Perused the entire material.

6. On consideration of the entire evidence collected prima facie against the applicant offence under Section 370(1)(e) of the IPC is also made out where as per the allegation he received the minor who were trafficked by other co-accused. Upon consideration of the entire facts, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE

Bini