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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4060 of 2017**

- Rajdas S/o Ramdas, Aged About 24 Years R/o Village Kurda, Police Station Champa, District Janjgir- Champa (Chhattisgarh).

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through : Station House Officer, Outpost Rampur, Police Station Kotwali, District Korba (Chhattisgarh).

**---- Respondent**

**And**

**MCRC No. 4061 Of 2017**

1. Smt. Rachana Rajwade W/o Ashok Rajwade Aged About 31 Years R/o Podibahar, Sahu Chal, Chowki Rampur, Police Station Kotwali, District Korba, Chhattisgarh.
2. Shilvi Meri Rajwade @ Saiki W/o Ramesh Rajwade Aged About 24 Years R/o Sarvamangla Nagar, Odiya Basti, Korba, District Korba, Chhattisgarh.

**---- Petitioner**

**Vs**

- State Of Chhattisgarh Through Station House Officer, Out Post Rampur, Police Station Kotwali, Korba, Chhattisgarh.

**---- Respondent**

**And**

**MCRC No. 4264 Of 2017**

- Vijay Shankar Dubey S/o Hoobnarayan Dubey, Aged About 36 Years R/o Village Harinarayanpur, Post Aurai, Police Station Aurai, District Bhadohi Uttar Pradesh

**---- Petitioner**

**Vs**

- State Of Chhattisgarh Through Station House Officer, Out Post Rampur, Police Station Kotwali Korba District Korba Chhattisgarh

**---- Respondent**

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|----------------------|---------------------------------------------------------------------------------|
| For Applicants       | Shri Dharmesh Shrivastava, Shri Anil Gulati<br>and Shri P. K. Sharma, Advocates |
| For Respondent-State | Shri Ashutosh Pandey, PL                                                        |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**23/11/2017**

1. The applicants have preferred these bail applications under Section 439 CrPC, as they have been arrested in connection with Crime No.211/2016, registered at Outpost Rampur, Police Station Kotwali, District Korba for the offence punishable under Sections 363, 368, 376, 376-D, 370, 370 (a), 372/34, 201 of IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice Act.
2. The accused persons including the applicants have allegedly pushed the prosecutrix into the flesh trade on the pretext that she is taken to Banaras for doing the job of catering services. At Banaras, she was staying with applicant Vijay Shankar Dubey. It was this applicant who also came to Korba, met Rachana Rajwade, aunt of the victim, and planned to send the victim with him for going to Banaras. At Banaras and at other stations also, several persons including the accused Akash Sharma, Umesh Sharma, and Vijay Shankar Dubey committed forcible sexual intercourse with the prosecutrix, who is less than 18 years of age.
3. It is argued that similarly placed co-accused persons namely Akash Sharma, Umesh Sharma, Sheela Pahuja and Poonam

Yadav have been released on bail in MCRC Nos.3589/2017, 2164/2017, 8184/2016 and 607/2017, respectively, therefore, the present applicants are also entitled to be released on bail.

4. Learned State counsel would submit that case of the released accused persons is distinguishable, therefore, the present applicants are not entitled to be released on bail.
5. The material available in the case diary would indicate that the victim/prosecutrix is less than 18 years of age. Her mother died when she was a child and her father died sometimes in January 2015. Being an orphan, she was residing with her aunt, the applicant Rachana Rajwade. The applicant Shilvi Mary Rajwade is the victim's cousin sister. The applicant Rajdas has also persuaded Rachana Rajwade to engage the prosecutrix in the flesh trade. There is further material to indicate that Rachana Rajwade used to fix the clients who would sexually exploit the victim. The applicant Shilvi Mary Rajwade used to accompany the victim to various stations and was working as an agent of Rachana Rajwade to collect the amount from the clients. At Banaras, the victim/prosecutrix was staying in an accommodation possessed by Vijay Shankar Dubey, who would take the victim and other girls for dance performance and thereafter, they were thrown to satisfy the lust of the clients.
6. The allegations against all the applicants are serious in nature. It is worse than rape. A minor orphan girl has been thrown into the flesh trade for earning as if she is a commodity. The case of accused Akash Sharma and Umesh Sharma is distinguishable because after being arranged by the applicants Rachana and

Shilvi, they enjoyed the company of the victim and may not be aware that she is less than 18 years of age. Similarly, Sheela Pahuja and Poonam Yadav are the lady members who themselves were involved in the whole affair but they are not the relatives of the victim. The applicant Rachana Rajwade and Shilvi Mary Rajwade, the relatives of victim, have betrayed the trust by engaging the victim in the flesh trade.

7. Considering the entire facts and circumstances of the case, particularly the age of the prosecutrix, this Court is not inclined to release the applicants on bail. Accordingly, all the bail applications are dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Nirala