

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5428 of 2017

Smt. Asha Bai W/o Ramesh Kumar Jat, Aged About 30 Years R/o Kishorpura
Police Station Chidava, District Jhunjhunu (Rajasthan)

---- Applicant

Versus

State Of Chhattisgarh Through Aarakshi Kendra Dongargaon District
Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Shri Arvind Dubey, Advocate
For State : Shri Chandresh Shrivastava, Panel Lawyer

And

MCRC No. 6770 of 2017

Dhanesh Baghel S/o Chandrabhan Baghel, Aged About 34 Years R/o
Nagarkohra, O.P. Chichola, P.S. Churiya, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Dongergaon, District
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants : Shri Rakesh Thakur, Advocate
For State : Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

21/11/2017

Heard.

1. MCRC No.5428 of 2017 and MCRC No.6770 of 2017 are being disposed off by

this common order as both the bail applications arise out of Crime No.140 of 2017 registered in Police Station- Dongargaon, District- Rajnandgaon (C.G.) for alleged commission of offence under Sections 365, 366, 368, 370, 376/34, 120-B IPC and Section 3 (1) (B) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that applicant-Dhanesh Baghel had trafficked victim after importing her to Rajasthan where she was sold by the applicant to third party and thereby committed offence of human trafficking. The allegation against applicant- Asha Bai is that victim was taken to the house of Asha where Dhanesh resided for 3-4 days with the victim, whereafter she was sold.
3. Learned counsel for the applicant -Dhanesh would submit that the applicant is being falsely implicated. The prosecutrix has also married the applicant and because of certain dispute, she is making false allegation against the applicant. As far as applicant- Asha is concerned, it is submitted that except the allegation that Dhanesh had resided 3-4 days in the house of Asha along with the victim, there is no specific allegation that she participated in the transaction of sale and purchase of victim.
4. On the other hand, learned counsel for the State, opposing the bail application, submits that the victim has clearly stated in her statement under Section 164 Cr.P.C. that the applicant - Dhanesh first married her only to take away her from her place of resident. She was taken to Rajasthan and then sold to third party. She has also stated that she was taken to Rajasthan and victim and Dhanesh resided in the house of Asha and Asha accompanied along with many other persons with Dhanesh and victim to the village where the said purchaser resided.
5. Taking into consideration the submissions made by learned counsel for the parties, as far as applicant -Dhanesh Baghel is concerned, I am not inclined to grant bail to him. Accordingly, application of applicant – **Dhanesh Baghel** is rejected.
6. The bail application of applicant – **Smt. Asha Bai** is allowed and it is

directed that applicant -Asha Bai shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge