

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6766 of 2017

- Smt. Samartiya Bai W/o Sitaram Meena, Aged About 23 Years, R/o Munmuna, Thana - Kukdur, District Kabeerdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana - Kukdur, District Kabeerdham Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 08-02-2017 in connection with Crime No.101/2016 registered at P.S. Kukdur, District Kabeerdham, C.G. for the offence under Section 363, 366, 372, 376/34 of the IPC and Section 4, 6, 16, 17 of Protection of Children from Sexual Offences Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. As per the statement given by the prosecutrix under Section 161 of the Cr.P.C. she left with the applicant and her husband for Delhi for the reason that she was feeling harassed to continue to live with her parents. Further, she stated that co-accused Dinesh gave her allurement that he will marry her and sexually exploited her. In a later statement given under Section 164 of the Cr.P.C., the prosecutrix developed her earlier statement stating that she was sold to

co-accused Dinesh by another co-accused Sitaram, the husband of the applicant and thereafter the applicant and her husband both left her with co-accused Dinesh, on the basis of this evidence no case is made out against the applicant. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that as per the statements in the case diary, the prosecutrix was instigated by the applicant and her husband to go to Delhi with them where the applicant and co-accused have sold the prosecutrix who is merely of age 14 years. Hence, this is a clear case of human trafficking. It is prayed that the applicant does not deserve to be enlarged on regular bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case are these that the prosecutrix wanted some employment. When she was given allurement by the applicant and her husband Sitaram that they can get her some employment in Delhi, on being influenced by the applicant and her husband, the prosecutrix left with them for Delhi where she stayed with them for two months and thereafter she came to know that co-accused Sitaram has sold her to Dinesh Kori for a price of Rs. 40,000/-, the applicant and her husband left her there and came back to their village. On the basis of the information given the case has been registered against the applicant and others.

6. Taking into consideration the submissions and the facts of the case, statement of the prosecutrix at the level of Section 161 of the Cr.P.C. and secondly under Section 164 of the Cr.P.C., looking to the development made particularly in the statement that is against the

applicant, I am of this view that this is a fit case where the applicant should be benefited with grant of bail.

7. Consequently, the application (MCRC No.6766/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge