

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7450 OF 2017

Vishnu Vishwakarma, aged about 21 years, S/o Devendra Vishwakarma, by caste- Lohar, R/o Ward No.15, near Railway Fhatak, Mahendragarh, District Koriya (C.G.)

... Applicant

versus

The State of Chhattisgarh, through : Police Station Khadgawa, District Koriya Baikunthpur (C.G.)

... Respondent

MISC. CRIMINAL CASE NO. 7503 OF 2017

Vishnu Vishwakarma, aged about 21 years, S/o Devendra Vishwakarma, by caste- Lohar, R/o Ward No.15, near Railway Fhatak, Mahendragarh, District Koriya (C.G.)

... Applicant

versus

State of Chhattisgarh, through : Police Station Khadgawa, District Koriya Baikunthpur (C.G.)

... Respondent

For Applicants	:	Mr. Parag Kotecha, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2017

1. These two applications under Section 439 of CrPC have been filed seeking grant of bail to the Applicant who is in jail since 10.4.2017 in two different crimes i.e. Crime No.54/2017 and Crime No.55/2017 registered at same Police Station- Khadgawa, District Koriya, for the same offence punishable under Sections 363, 370, 374, 34 of IPC. Except for the victims involved in the case, nature of offence remains the same.
2. M.Cr.C. No.7450/2017 is in respect of Crime No.54/2017 whereas M.Cr.C. No. 7503/2017 is in respect of Crime No.55/2017.
3. Allegation against the Applicant as per the prosecution case is that the Applicant in connivance with the other accused persons is said to have taken the two victim boys, aged about 17 and 16½ years, to Himachal Pradesh and where they have been sent for work in the agriculture field.

4. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the case as the statements of victims by itself would clearly reflect that there was no false assurance or any other allurements made by the Applicant for taking the two victims; on the contrary, it would reflect that the two victims had voluntarily gone along with the Applicant in search of employment or in search of livelihood. He further submits that the Applicant has already remained in custody for more than 8 months and therefore the Applicant may be released on bail.

5. Learned Counsel for the State however opposing the bail application submits that it is a case where the Applicant is involved in illegal trafficking of minor boys from the State to different other regions and therefore considering the nature of offence, he does not deserve to be released on bail.

6. Considering the facts and circumstances of the case, particularly the nature of allegation which is reflected from the statements of the victims and also considering the period of custody already undergone by the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

7. Accordingly, both the bail applications i.e. M.Cr.C. No.7450/2017 and M.Cr.C. No.7503/2017 are allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum, **in each case**, to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge