

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8442 of 2016

1. Girdhari Ram, S/o. Ganesh Sarthi, Aged About 55 Years.
2. Sheela Sarthi, W/o. Girdhari Sarthi, Aged About 52 Years.

Both are R/o. Village Khamhar, Police Station Dharmajaigarh,
District Raigarh, Chhattisgarh, Civil & Revenue District Raigarh,
Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer-
Dharmajaigarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Rajendra Tripathi, Advocate.

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.01.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.187/2015 registered at Police Station- Dharmajaigarh, District Raigarh (C.G.) for the offence punishable under Sections 363, 370, 374, 342/34 of Indian Penal Code.
2. As per the prosecution case, the applicants along-with other co-accused abducted complainant Ku. Sita Sidar in the year 2011 and took her to Delhi where she was forced to work against her will as bonded labour and did not pay any remuneration and thereby committed the aforesaid offence.

3. Learned counsel for the applicants would submit that the first bail application was dismissed on 02.11.2015. Subsequently, the victim has been examined and she has not supported the case of the prosecution and even has denied the identification of the present applicants. Therefore, under these circumstances, no offence is made out against the present applicants and as such they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the victim who is aged about 21 years has been examined and she has not supported the case of the prosecution.
5. Perused the case diary and the statement of the victim. Considering the statement of the victim, which shows that she has not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge