

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 801 of 2017

Charan Singh Kushwaha, S/o. Mohan Lal Kushwaha, Aged About 26 Years, R/o. Village Basai Kaji, Police Station Sasni, Revenue & Civil District Hathrash, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/02/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.158/2016 registered at Police Station- Kondagaon, District Kondagaon (C.G.) for the offence punishable under Sections 366, 368, 370/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Heeraman Netam on 20.06.2016 that his Niece was missing from 12.06.2016. Subsequently, she was found at Barai Kaji, Uttar Pradesh on 28.06.2016. During investigation, it was found that when she went out of her house, she met with one Tina and she was taken to Raipur, Nagpur, Mathura and ultimately to Basai Kaji at the house of Mohan Lal and she was sold to Charan Singh for Rs.30,000/-. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 14.12.2016 with liberty to repeat the same after examination of the victim. He submits now the victim has been examined and she has not made any statement against the present applicant, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Prima facie taking into the statement of the victim and the allegation against the present applicant, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge