

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 746 of 2018**

Smt. Mona Manikpuri W/o Sukhdev Manikpuri, Aged About 40 Years
R/o Kududand, P.S. Civil Lines Bilaspur District Bilaspur
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Chakarbhata,
District Bilaspur Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Ajay Ayachi, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 531/2017 registered at Police Station Chakarbhata, District Bilaspur, Chhattisgarh for the offence punishable under Sections 370(1) 1(6), 342 of Indian Penal Code.
2. The present applicant is in jail since 18.11.2017 in connection with the aforesaid Crime number.
3. The allegation as per the case of prosecution is that the present applicant is said to have forcefully confined the victim Sangita Kashyap, aged around 32 years in a room of a house with an intention of putting her into flesh trade (prostitution).
4. The counsel for the applicant submits that it is a case where even if the entire content of the case diary is taken into consideration, the ingredients required for making out an offence under Section 370 is

not available. He submits that the victim in the instant case had voluntarily gone with the present applicant on an Auto Rickshaw to the place where there was a function otherwise to be held which is also evident from the statement of the inmates of the house. He further submits that there were no male member available in the premises to whom the victim was to have physical relationship, neither was any money provided by the applicant to the victim for the said act and for all these reasons the present applicant who is in jail since November, 2017 be released on bail.

5. The State counsel however opposing the bail application submits that it is a case where the gravity of the offence is established from the fact that the victim in the instant case was pushed inside a house and she was locked inside, which was later on opened only after the police have raided the premises.
6. Having heard the contentions put forth on either side and on perusal of record, foremost what is revealed is that the victim in the instant case Sangita Kashyap had voluntarily gone with the present applicant in an Auto Rickshaw, which itself shows that there is no coercion, pressure or threat given by the applicant at the first instance while the victim had accompanied the applicant to the place of incident. Moreover when she was taken to the said premises she had not given any pressure, coercion or threat or had taken her with an intention of putting her into prostitution, whereas the only allegation is that after some time the victim was put inside a room and locked, which was later on opened only when the police had come. Meanwhile there does not appear to be any alarm raised by

the victim nor did the victim cry for help, which could have brought the neighbors to the place of incident also.

7. Given all these facts and circumstances of the case and also keeping in view the period of custody, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
8. It is directed that the applicant shall be released on bail on his 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 his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved