

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1710 of 2018

1. Gyanikram @ Kuthalu And Anr. S/o Firuram Aged About 30 Years R/o- Mouhatikara, P.S. And Tahsil- Pathalgaon District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Radha Bai D/o Firuram Aged About 27 Years R/o- Mouhatikara, P.S. And Tahsil- Pathalgaon District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Kapu, Tahsil- Dharamjaigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amit Sharma, Advocate.
For Respondent/State	:	Ms. K. Tripti Rao, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/04/2018

1. At the outset, counsel for the applicant No.1 seeks permission of this Court to withdraw the application filed under Section 439 of CrPC.
2. It is ordered as prayed for.
3. Accordingly, the bail application filed under Section 439 of Cr.P.C for applicant No.1 is dismissed as withdrawn.
4. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant No.2 who has been arrested in connection with Crime No.69/2016, registered at Police Station- SHO, Kapu, District – Raigarh(C.G.) for the offence punishable under Sections 363, 366, 366(A), 376, 370 of

the Indian Penal Code and 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

5. Learned counsel for the applicant No.2 submits that the applicant No.2 has falsely been implicated in this case. No case is made out against her. Only allegation against this applicant is this, that applicant No.1 brought the victim/prosecutrix along with him and stayed in the house of this applicant for 4-5 days and this applicant was not involved of any commission of crime, hence, it is prayed that she may be enlarged on regular bail.
6. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that looking to the evidence present in the case diary, hence, no case is made out for grant of bail.
7. Heard both the parties and perused the case diary.
8. According to the prosecution case, the minor prosecutrix was allured with promise that she will be engaged in job in Rajasthan by applicant No.1 and due to this allurements, the prosecutrix left with her. She was kept in the house of applicant No.2 for 5 days and thereafter she was taken to Rajasthan and sold to one co-accused Ashok Gujjar for Rs.40,000/-. Police has recovered the minor prosecutrix from Rajasthan. Hence, this case.
9. After due consideration looking to the allegation that is present against the applicant No.2, I am of this opinion that this is a fit case where the applicant should be enlarged on bail.
10. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha