

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2085 of 2018

- Ram Burka S/o Shri Narsaiya, Aged About 28 Years, R/o- Village- Ilmidi Kasaram Para, P.S.- Ilmidi, District- Bijapur, Chhattisgarh., District : Bijapur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Ilmidi, District- Bijapur, Chhattisgarh., District : Bijapur, Chhattisgarh

----Non-applicant

For Applicant – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-02-2018 in connection with Crime No.05/2016 registered at P.S. - Ilmidi, District- Bijapur, Chhattisgarh for the offence under Section 370/34 of IPC, Section 26 of the Child Labour Regulation Abolition Act, 1976 and Section 3 of Child Labour Prohibition Act, 1986.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. None of the labourers said to have been exploited are minor and neither this applicant is the person who had exploited them. Charge sheet has been filed after completion of the investigation. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant had been instrumental in commission of these offences. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. Case of the prosecution is this, that Santosh Burka, Tirupati and a number of other persons are the persons who were being exploited for labour work by the contractor in a village of Andhra Pradesh. Complainant Rajkumar Denga filed a complaint in this regard and on that basis the FIR has been lodged. During investigation it was discovered that this applicant was the person who had mediated and had been instrumental in engaging the victims for their being exploited by the said contractor. Hence, this case.

6. Considered on the material present in the case diary. It appears that this applicant does not have any criminal antecedent and that charge sheet has been filed, further, he is not the person who has mainly exploited and has not paid the wages to the labourers. Hence, for these reasons, I am of this view that the application deserves to be allowed.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge