

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6398 of 2017

- Kallimali S/o Suaalal Aged About 22 Years R/o Karauli Atewa Police Karauli, District Karauli Rajasthan, Rajasthan

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Vidhansabha Civil And Revenue District Raipur Chhattisgarh. , Chhattisgarh

---- Respondent

&

MCRC No. 6523 of 2017

- Smt. Meena Netam W/o Jagdish Jatav Aged About 45 Years R/o Village Atar Wamai, Police Station Tetra, District Morena M. P., Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Vidhansabha, Raipur District Raipur Chhattisgarh , Chhattisgarh

---- Respondent

&

MCRC No. 6621 of 2017

- Jagdish Jatav S/o Harchandi Jatav Aged About 54 Years R/o Village Atar Wamai, Police Station Tetanta, District Morena M. P., Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Vidhansabha, Raipur District Raipur Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants : Mr. B.L. Sahu and Mr. Kishore Narayan,
Advocates.

For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/01/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The bail application of applicant- Kallimali in MCRC No.6398/2017 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.21/2017, registered at Police- Station Vidhansabha, Raipur Civil & Revenue, District– Raipur(C.G.) for the offence punishable under Section 370, 370-A(2) of Indian Penal Code (for short 'IPC').
3. The bail applications of applicant- Smt. Meena Netam in MCRC No.6523/2017 and applicant Jagdish Jatav in MCRC No.6621/2017 are the first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No.21/2017 registered at Police Station – Vidhansabha Raipur, District – Raipur(C.G.) for the offence punishable under Sections 370, 370(A) & 376 of Indian Penal Code (for short 'IPC') and Section 3(1)(xii) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (in brevity 'ST/SC Act').
4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. The victim of this case Seema Gendre is of age 23 years. She on her own will accompanied the accused Meena Netam applicant in MCRC

No.6523/2017 and co-accused Radha Baghel to Karauli, Rajsthan. Victim has then married on her own will with applicant Kallimali applicant in MCRC No.6398/2017. Applicant Jagdish Jatav has not played any role. He has simply advised the victim to marry and stay with applicant Kallimali. No offence is made out against these applicants on the basis of the material on record. Further, it is stated that the victim in this case Seema Gendre has been examined before the Court and has made no allegation against these applicants. Hence, it is prayed that applicants be granted regular bail.

5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that all the applicants are residents of other State on being release on bail they may not appear before the trial Court and the trial shall be with held. Hence, applicants in the above cases are not entitled for grant of regular bail.
6. Heard both the parties and perused the case diary.
7. A missing report was lodged by father of victim in PS-Vidhansabha, Raipur, stating that his daughter has gone missing. After more than a month, victim was recovered from the custody of applicant- Kallimali in Karauli, Rajsthan and the FIR was lodged on 26.1.2017 registering the offence for Human Trafficking against these applicants.
8. Considered on the submissions made and the contents of the case diary and perused the certified copy of the statement of victim, recorded before the trial Court. The First bail application of applicant Kallimali was decided on merits in MCRC No.2096/2017 on 13.7.2017 and, thereafter, the victim has been examined before the trial Court on 11.8.2017 in which she has given statement in favour of the applicant

and declared hostile by the prosecution. Taking into consideration this development of things, I am of this view that all the applicants deserve to be enlarged on bail.

9. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that all the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one local surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha