

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5466 of 2018**

- Sampatti Bai W/o Loknath Aged About 42 Years R/o Village - Lavkushpur, Police Station - Kusmi, District (Revenue And Civil) - Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kusmi, District (Revenue And Civil) Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Shri SD Singh, Advocate
For respondent/State	: Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****21.8.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 22.02.2018 in connection with Crime No.102/2017, registered at Police Station Kusmi Distt. Balrampur, Ramanujganj (CG) for the offence punishable under Sections 363, 370 (1-4) & 4 read with Section 34 of the Indian Penal Code.

2. As per the case of the prosecution the appellant and her husband enticed or taken one Radha Bai 10 years ago from Village Neelkantpur and it is said that she has been employed in Delhi, but the said Radha Bai is still not recovered. It is presumed that she has been trafficked for the purpose of exploitation by inducement of giving or receiving some money.

3. Learned counsel for the applicant submits that as per the birth certificate, date of birth of Radha Bai is 01.7.1994 and by now she is aged about 23 years. FIR was lodged after 10 years of the incident and there is no one to prima facie establish the exploitation by anyone of said Radha Bai therefore, offence charged prima facie is not made out.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration of the date of birth of Radha Bai and further taking into consideration of the fact that the report has been lodged after 10 years of the incident, without further commenting anything on its merits, I am inclined to allow the application.

7. Accordingly, application filed under Section 439 of the CrPC is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. She shall appear before the trial Court regularly on each and every date, unless exempted from appearance

Sd/-

(Ram Prasanna Sharma)

JUDGE