

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5940 of 2018

1. Mamta Thakur, W/o. Ramnaresh Thakur, Aged About 50 Years,
 2. Mahesh Thakur, S/o. Roshan Singh, Aged About 35 Years,
- Both R/o- Babbu Bangalipura Kidwai Nagar, P.S. Kabrai, District- Mahoba, (U.P.).

---- Applicants

Versus

State Of Chhattisgarh Through- Police Station- Jute Mill, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vineet Kumar Pandey, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/09/2018

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.844/2017, registered at Police Station- Jute - Mill, District – Raigarh (C.G.) for the offence punishable under Section 363, 368, 370, 497/34 of the Indian Penal Code. The first bail application of the applicants was dismissed as withdrawn with liberty to revive the same after the statement of the victim is recorded before the trial Court vide order dated 27.06.2018, passed in M.Cr.C. No.1714/2018 and the second bail application of the applicants was dismissed as withdrawn vide order dated 23.03.2018 in M.Cr.C. No.2139/2018.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The applicants are in jail since 27.12.2017 and the trial against the applicants has made no sufficient progress so far. Out of 22 witnesses in the list of the prosecution case so far only five witnesses have been examined and the applicants are in jail near about 9 months and therefore, no possibility of the trial to be completed in near future. It is submitted that one of the co-accused Padma Mahant has been granted bail by this Court vide order dated 08.08.2018, in M.Cr.C. No.5080/2018. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicants is this that co-accused Padma Mahant had abducted the victim of this case for human trafficking and sold to these applicants for a price of Rs.21,000/-. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering about the pendency of the trial against the applicants, looking to the possible delay in conclusion of trial and as it appear that it would not serve any purpose, if the, applicants are continuously kept in detention till the trial is concluded against them, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram