

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1082 of 2018**

Liyarani Masih @ Shauren Masih @ Khushi D/o Pushpraj Masih Aged About 14 Years Student Of Class 10th Panchwati Higher Secondary School Sirgitti, Bilaspur District Bilaspur Chhattisgarh Through Her Father Pushpraj Masih S/o Kishore Kumar Masih, Aged About 39 Years, R/o Ward No. 5, Mahima Nagar, Police Station Sirgitti, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Mahendra Dubey, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 319 of 2018, registered at Police Station – Sirgitti, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 392, 506 and 323/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a juvenile aged about 14

years and is a student of Class-10th Higher Secondary School at Sirgitti. The case in fact is that the applicant had fallen into the clutches of some criminal elements who had pushed her into flesh trade (prostitution). When the applicant tried to pull her out of this by making complaints to the police, she has been falsely implicated in the alleged commission of offence as one of the accused persons. According to the FIR lodged in this case, the only allegation is that the applicant is in possession of one mobile phone which was looted from the complainant. The applicant admits this possession and is ready to hand it over to the police and cooperate with the investigation. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the main accused in this case and on the phone call made by her, the complainant had been to the spot where he was assaulted, abused and thereafter, mobile phones and some cash amount which were in his possession were also looted by the co-accused persons. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that on the date of incident, complainant – Pawan Kumar made a phone call to the applicant whom he knew to be in flesh trade, on that the applicant called him to meet her on the spot. When the complainant came to the spot he was abused and threatened by the co-accused persons and thereafter, two mobile phones, some cash and other articles were looted

from him. The memorandum statement of the co-accused persons is that some articles of loot, mobile phones, aadhar card and PAN card were handed over to the applicant. Hence, this case.

7. Considered the material present in the case-diary and also considered that complaint was made by the applicant to the police in her effort to pull out abominable flesh trade and also considered her statement made that she is ready to cooperate with the police in the investigation and to hand over the articles in her possession. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall hand over the articles in her possession which were handed-over by the co-accused persons to her before she is released on bail. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself available for interrogation before the Investigating Officer as and when required; and also hand over the articles of loot which are in her possession;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi