

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7990 of 2018

1. Jaydev Das @ Raju Bangali S/o Adhir Das Aged About 36 Years R/o Gudari Para Narayanpur District Narayanpur Chhattisgarh, District : Narayanpur, Chhattisgarh
2. Meena Roy @ Menu Bangali D/o Adhir Roy Aged About 45 Years R/o Silai Kalekha Saray Delhi P. S. Kalekha Nijamuddin Delhi, District : New Delhi, Delhi
3. Smt. Riya W/o Ashok Kumar Aged About 45 Years R/o Ashok N 9 A/33 Lal Bagh Azadpur North West Delhi P. S. Azadnagar Delhi, District : New Delhi, Delhi

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Narayanpur District Narayanpur Chhattisgarh, District : Narayanpur, Chhattisgarh

---- Non-applicant

For Applicants : Mr. P.K. Tulsyan, Advocate.

For Non-applicant : Mr. Ramkant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board10.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 52/2017 registered at Police Station – Narayanpur District Narayanpur (C.G.) for the offence punishable under Sections 370 (A), 372, 373, 376 and 34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that in March, 2017 prosecutrix was below 15 years of age. In March 2017 applicant No.1 Jaydev Das had committed forcible sexual intercourse with her. He took her to Raipur to provide job where he again committed sexual intercourse with her. Thereafter, he took her to Delhi and sold her to applicant No. 2 Meena Roy and applicant 3 Smt. Riya who put her on prostitution.
4. Learned counsel for the applicants submit that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicants.
6. As per the certified copy of the statement of the prosecutrix recorded by the trial Court, she turned hostile and did not support the prosecution case.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE