

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7974 of 2018**

Omprakash Mali S/o Shambhu Dayal Mali Aged About 25 Years R/o Karninagar, Police Station Kunadi, District Kota Rajasthan, At Present Address - Krishna Bihari Colony, Police Station Itawa, District Kota Rajasthan

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Farsabahar, District Jashpur Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. J.K. Saxena, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/11/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 36/2016 registered at Police Station Farsabahar, District Jashpur, Chhattisgarh for the offence punishable under Sections 370, 376/34 of Indian Penal Code and Section 4 , 6 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 04.11.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant in connivance with the co-accused persons is said to have abducted the victims and have also with an intention of committing an act of human trafficking have enticed them to leave their home without the consent of their parents and have taken them first to Bara in the State of Rajasthan and from their they brought the victims to Itawa, Madhya Pradesh. This according to the prosecution

was a clear case of human trafficking and it is also the case where the present applicant is said to have ravished the prosecutrix/victims.

4. The counsel for the applicant submits that the plain reading of the case diary itself would reveal that there is no ingredient to establish the offence of 376/34 of the Indian Penal Code, nor is there any strong material collected by the prosecution for making out a case of section 370 of the Indian Penal Code.
5. On the contrary, the State counsel opposing the bail application submits that the present applicant is a part of a group of criminals operating on human trafficking and that it is a case where they are habitual on taking poor girls from the remote area of Chhattisgarh enticing them for providing higher returns for their service that they would render and also promised them of providing a better standard of living and in the process, they exploited the poor victims and thus prayed for rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of the record particularly taking the statements of the victims into consideration, this Court is of the opinion that the victims have not directly or indirectly implicated the present applicant in the commission of the offence, nor have they made any strong allegation against the present applicant in the commission of the offence, both under Section 370 or under Section 376/34 of the Indian Penal Code.
7. Given the said facts and circumstances of the case, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.

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

Sd/-
(P. Sam Koshy)
Judge

Ved