

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7763 of 2017

Saniyaro W/o Bhuneshwar Aged About 28 Years Caste Malar
Occupation Labor (Aaya) R/o Village Sonkyari, Police Station Sanna,
District Jashpur Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Udaipur, District Surguja Chhattisgarh. --- **Respondent**

For the applicant	:	Ms. Neha Verma, Advocate.
For the Respondent	:	Mr. Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.01.2018

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 24/2016 registered at Police Station registered at Police Station Udaipur, Distt. Surguja (C.G) for the offences punishable under Sections 363, 370/34, 87, 81 & 11 of IPC and section 14 of the Child Labour Prohibition, Regulation Act 1986 and Section 3(1)(R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The first bail application was dismissed on 21.07.2016 and the second one was dismissed on 07.10.2016.
3. As per the prosecution case, a report was made by Juglal Paikra that her minor daughter Ku. Rimla along-with another neighbour minor girl Ku. Tulaso Manjhwari were missing. Subsequently it was found that two minor girls were taken to Delhi by the other accused and they were sold there and the present applicant has coordinated such sale.

4. Learned counsel for the applicant submits that the victim girls have been examined and they have not supported the case of prosecution, therefore, no case is made out against the present applicant. She further submits that out of 39 witnesses, only 10 witnesses have been examined, as such, there is delay in process of trial. She further submits that the applicant is in jail since 24.03.2016, therefore, looking to the period of long detention he may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. Perused the statements of victim girls namely Ku. Rimla (P.W.4) and Ku. Tulaso (P.W.5) wherein they have turned hostile. Positive allegations have been made which accrues in favour of the prosecution. Further considering the statements of other witnesses, at this stage, it would not be appropriate for this Court to evaluate the entire evidence of the witnesses for consideration of bail as it would amount to usurping the power of the Trial Court. Accordingly, this bail application is rejected.
7. However, the trial Court is requested to expedite the trial.

Sd/-

**GOUTAM BHADURI
JUDGE**