

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8472 of 2018**

Loknath Badi, S/o Shaniram, Aged About 50 Years, R/o Village-Lavkushpur, Police Station- Kusmi, District (Revenue & Civil)-Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: Police Station Kusmi, District (Revenue & Civil)- Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. S.D. Singh, Advocate.

For State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/11/2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested on 22.02.2018 in connection with Crime No.102/2017, registered at Police Station- Kusmi, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363, 370 (1-4) & 4 read with Section 34 of the Indian Penal Code.
2. As per case of the prosecution, the applicant and his wife enticed or taken one Radha Bai 10 years ago from Village-Neelkanthpur and it is said that she has been employed in Delhi, but the said Radha Bai is still not recovered. It is presumed that she has been trafficked for the purpose of exploitation by inducement of giving or receiving some money.
3. Learned counsel for the applicant submits that as per the birth certificate, date of birth of Radha Bai is 01.7.1994 and by now

she is aged about 23 years. FIR was lodged after 10 years of the incident and there is no one to prima facie establish the exploitation by anyone of said Radha Bai therefore, offence charged prima facie is not made out.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration of the date of birth of Radha Bai and further taking into consideration of the fact that the report has been lodged after 10 years of the incident, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, application filed under Section 439 of the Cr.P.C. is allowed. 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge