

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 698 of 2019**

1. Fagni Bai @ Tara Bai, Wd/o late Santosh Kumar Lakda, aged about 50 years.
 2. Vijay Bharti, S/o Kashinath Bharti, aged about 52 years.
- Both are resident of Hanspur, P.S. Kusmi, District Balrampur (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Balrampur, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicants	: Mr. Nishi Kant Sinha, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.222/2018 registered in Police Station Balrampur, District Balrampur Ramanujganj for the offence punishable under Sections 363, 366, 368, 370(A), 374, 343, 506 of IPC, Section 81 of POCSO Act and Section 26 J.J. Act.
3. Case of the prosecution, in brief, is that complainant Ram Singh Shandilya is aged about 17 years old. He is a resident of village Basera. On 30.10.2018, co-accused Veer Bahadur took him by enticing that he will provide job to him. The said co-accused handed over the said complainant to applicant No.2-Vijay Bharti, who took him to Delhi assuring him that he will provide job at Delhi. Thereafter, the applicant No.2-Vijay Bharti sold him to applicant No.1-Fagni Bai @ Tara Bai. The applicant No.1-Fagni Bai @ Tara Bai was got domestic work from him, she had kept him as hostage in her house and she had given threatening to kill him.
4. Counsel for the applicants submitted that the applicants have not committed any offence and have been falsely implicated in the case and as such the applicants may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submits that no criminal antecedent is reported against the applicants in police case diary.
6. Looking to the above facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE