

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 368 of 2019**

Rahman Mohammad, S/o. Gulab Mohammad, Aged About 40 Years, R/o. Village Boden, Post Office and Police Station Boden, District Nuapada Odisha.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station- Mainpur, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent	: Mr. Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/04/2019**

1. Apprehending arrest in connection with Crime No.13/2019, registered at Police Station – Mainpur, District – Gariyaband (C.G.) for offence punishable under Section 370 (3)/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant simply works as labour contractor and when the complainant/victims of this case came to him, with other accused Damru Sori, this applicant guided them that they will get better wages for their work in Telangana, which was followed by the victims and they went to Telangana. Only by guiding some persons, no offence is made out. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the applicant is the main person, who has induced the victim into the trap, where they were employed in Telangana, kept in confinement and were exploited by the employers without payment of proper wages, therefore, looking to the role played by the applicant, he should not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, one labour agent Damru Sori induced the villagers/victims that they will get better wages for lesser works, following which, the victims accompanied him to Orissa and met with this applicant. This applicant guided the victim for going to Telangana and also made payment of Rs.30,000/- to the victims. The victim were then taken to Telangana, where they get employment in bricks kiln. Work was exploited from them but they were paid minimum wages of Rs.350/- weekly. On complaint made by Sarpanch of their village, the police has rescued the victims from bricks kiln in Telangana. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary as it appears that this applicant is not the person, who has employed the victims and the person who has exploited the victims has not been made an accused so far, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge