

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3443 of 2019**

Anuchit Wadekar, W/o Vijay Wadekar, aged about 37 years, R/o Behind Nutan School, House of Madan Lal, Police Station Tikrapara, Raipur, District Raipur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Tikrapara, Raipur, District Raipur (CG).
---- Non-applicant

For Applicant	: Mr. Navin Shukla, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.05.2019

1. Heard. Admit. Case diary is available.
2. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.423/2018 registered at Police Station Tikrapara, District Raipur for the offence punishable under Sections 370(1) part (4) & (6) of IPC and Section 81 of Juvenile Justice (Care and Protection of Children) Act.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 21.02.2019 passed in M.Cr.C. No.752/2019.
4. Case of the prosecution in brief is that complainant Nilesch Sharma approached to applicant Anuchit Wadekar to get a newly born baby for his sister. Applicant Anuchit Wadekar shown him female baby and told that mother of that baby is Pooja Rao, who had given the baby for sale. He made agreement to get that baby with applicant Anuchit Wadekar, Applicant Anuchit Wadekar told him that she, co-accused Shanu Mashih, Lili Shanti Panna, Abha Mudliyar used to sell the newly born babies and earlier they had sold newly born babies to willing persons. They charged for one baby of Rs.1,50,000/-. During the investigation, it was found that on 12.09.2018 in the dispensary of applicant Anuchit Wadekar delivery of Ku. Pooja Rao was conducted.
5. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that material witnesses have been examined before the trial Court, who turned hostile and have not supported the prosecution case. The applicant is languished in jail for 08 months hence she may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. He further submitted that there is no criminal antecedent is reported against the applicant in police case diary.
7. Merely turning hostile of material witnesses is not a sufficient ground in releasing the applicant on bail.
8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no such change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application of the applicant is rejected.
9. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE