

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3971 of 2019**

Pradhunn Patel (wrongly mentioned Praduman Patel in the order impugned)
S/o Shri Indrabhan Patel Aged About 19 Years R/o Village- Mahudar, Police
Station- Rampur, Baghelan, District- Satna, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Incharge Ramanujnagar,
District- Surajpur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4792 of 2019**

Juber Khan S/o Mallu Khan Aged About 28 Years Caste Muslim, R/o -
Village Uroliya, Post Katiya, Police Station Allapur, Tahsil Dataganj, District
Badayu (U. P.)

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station
Ramanujnagar, District - Surajpur Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Shakti Raj Sinha and Shri Rajendra Kumar Suryavanshi, Advocates.
For the Respondent/State	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.07.2019**

Heard.

- Both these applications are decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.96 of 2017, registered at Police Station Ramanujnagar, District –

Surajpur, Chhattisgarh for the offence punishable under Sections 363, 370 and 374, 34 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 18.05.2019 and they have been falsely implicated in these cases. No case is made out against the applicants in both the cases on the basis of the material placed before the Court by the prosecution. The said complainants had accompanied applicant – Pradhunn Patel in M.Cr.C. No. 3971 of 2019 willingly for seeking employment and thereafter, they were engaged with applicant – Juber Khan in M.Cr.C. No.4792 of 2019. It is not a case of exploiting labour or bounded labour. The complainants were employed and were paid remuneration for the same. When the complainants wanted to leave, no obstruction was created by any of the applicants, therefore, it is not a case of human trafficking or bonded labour. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that all the persons/ victims who were taken for exploitation of labour work are minor in this case and they were employed by applicant – Juber Khan in M.Cr.C. No. 4792 of 2019 in his concern without taking consent of the parents/ complainants/ victims, therefore, it is a case of human trafficking or bonded labour. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, complainant – Omprakash went missing. A missing report was lodged and during investigation minor – Omprakash was recovered from the custody of Pradhunn Patel in M.Cr.C. No.3971 of 2019 in Katni Railway Station. Thereafter, the police committed a raid, in the concern of co-accused – Juber Khan from where six other minor boys were recovered who were engaged for labour work regarding which, two separate crime numbers have been registered.

6. After considering the diary statement of the victims of the case and further, looking to this fact that the trial against the applicants is pending before the concerned Court and no purpose would be served if the applicants are kept in detention for the whole period of trial. Hence, for these reasons, I feel inclined to grant regular bail to the applicants in both the cases.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge