

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4064 of 2019**

1. Budu @ Chamar Say Nagwanshi S/o Shri Ghursay Aged About 32 Years By Caste Nagwanshi,
2. Jaynarayan Yadav S/o Shri Lochan Prasad Yadav Aged About 32 Years By Caste Mahakul,

Both are R/o Village Maheshpur, Thana Bagbahar, Civil And Revenue District Jashpur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bagbahar, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sunil Sahu, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/08/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.34/2019 registered at Police Station Bagbahar, District Jashpur (C.G.) for the offence punishable under Sections 363, 370/34 of IPC.
3. Case of the prosecution, in brief is that complainant Mahesh Tirkey is below 15 years of age. He is resident of village Maheshpur Tangarpani. On 26/01/2019 applicants took complainants Mahesh Tirkey, Sunil Ekka, Lal Dev Tirkey, Dinesh Ekka and Nildhwaj Manjhi by enticing that they will get handsome amount at Karnataka. They engaged complainants Mahesh Tirkey, Laldev Tirkey and Nildhwaj Manjhi in a boring vehicle. At that place Manager was Ismail Khan. After one

month they demanded the wages from the Ismail Khan then he given them Rs.3000 – 3000/- and told that remaining amount has been taken by applicants.

4. Counsel for the applicants submitted that they have innocent and falsely implicated in the present case. He further submitted that FIR is delayed by two months. Applicants are in jail since 19/03/2019. Charge-sheet has been filed. Complainants allegedly had gone for work at their own wish and will, thus applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submitted that there is no previous antecedent against the applicants.
6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, looking to this fact that complainant Mahesh Tirkey was below 15 years of age at the time of alleged incident, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, this Court is not inclined to release the applicants on bail.
7. Consequently, bail application of the applicants are rejected. However, the trial Court is directed to expedite the trial as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge