

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5536 of 2019**

Naindas, aged about 40 years, S/o. Lolo Das, By Caste- Panika, R/o. Gouripur, Thana – Premnagar, District – Surajpur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station - Kelhari, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**30/09/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.37/2018, registered at Police Station – Kelhari, District – Koriya (C.G.) for the offence punishable under Section 363, 365, 366-A, 376 (2), 294, 323, 370 (4), 109, 417 of the Indian Penal Code and Section 6 & 17 of Protection of Children from Sexual Offence Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 19.07.2018. Most of the witnesses have been examined before the trial Court and none of them have supported the prosecution case. The prosecutrix has not turned up for her examination before the Court, therefore, the applicant is languishing in jail without any fault on his part. Therefore, it is prayed that the

applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is charge of offence of abduction, rape as well as trafficking against this applicant. Hence he is not entitled for grant of bail.
4. Complainant/informant Lalan Ram is present before this Court on notice and he has stated that he has no objection in grant of bail. He has also submitted that his daughter the prosecutrix is again missing and her whereabouts are not known since about one year.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 16 years and first he exploited labor work from her then also exploited her sexually. Thereafter, the applicant sold the minor prosecutrix to another co-accused person for a price. Hence, this case.
7. Considered on the submissions made and the contents of the case diary. Considering that the case is pending for trial for about more than one year and according to the statement made by the father of the prosecutrix herself, her whereabouts are not traceable, hence looking to this circumstance regarding pendency of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram