

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6408 of 2019

Vijay Bharti, S/o Kashinath Bharti, aged about 48 years, R/o Rajapur, Dalippur, P.S. Peero, District Ara Bhojpur (Bihar) At present address Kumundpur, D-Block, Delhi 42. **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Balrampur, District Balrampur (CG). **---- Non-applicant**

For Applicant : Mr. Rupesh Shrivastava with Mr. Chandradeep Prasad, Advocates.

For Non-applicant : Mr. Vaibhav Kartikaya Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

22.10.2019

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.222/2018 registered at Police Station Balrampur, District Balrampur for the offence punishable under Sections 363, 366, 368, 370(A), 374, 343, 506 of IPC, Section 81 of POCSO Act and Section 26 J.J. Act.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 25.03.2019 passed in M.Cr.C. No.698/2019 considering the prima facie case against him. His second bail application was dismissed as withdrawn by this Court vide order dated 25.07.2019 in M.Cr.C. No.4391/2019.
4. Case of the prosecution, in brief is that complainant Ram Singh Shandilya was aged about 17 years old. He is a resident of village Basera. On 30.10.2018 co-accused Veer Bahadur took him by enticing that he will shall provide job him. The said co-accused handed over the

said complainant to the applicant, who took him to Delhi assuring him that he shall provide job at Delhi. Thereafter, the applicant sold him to co-accused Fagni Bai @ Tara Bai.

5. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent person and has been falsely implicated in the present case. He further submitted that in the case in hand the complainant Ram Singh Shandilya (P.W.-2) has been examined before the trial Court and he had not said anything against the applicant. In support of case, he drew my attention on the certified copy of statement of complainant Ram Singh Shandilya (P.W.-2), which is a part of bail application.

6. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant as per police case diary.

7. As per certified copy of statement of complainant Ram Singh Shandilya (P.W.-2), he had not said anything against the applicant. This circumstance is a sufficient to enlarge the applicant on bail in the third round of litigation. Accordingly, the third bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the concerned Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE