

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8476 of 2018**

- Smt. Saroj, W/o Akash Kumar Chhari, aged about 44 years, R/o present-Plat No. 375, Anand Nagar- Dhaulpur, P.S.- Nihalganj, District- Dhaulpur, Rajasthan.

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Bhatapara (Sahar), District- Balodabazar-Bhatapara, (C.G.).

---- Respondentt

For Applicant	: Shri Rajbahadur Singh, Advocate.
For Respondent/State	: Shri UKS Chandel, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**14/01/2019**

1. The Applicant has preferred the second bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 129/2011, registered at Police Station – Bhatapara (town), District- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 363, 366, 370, 372, & 342 of the Indian Penal Code.
2. Vide order dated 26/09/2018 passed in MCRC No. 6327 of 2018, first bail application has been dismissed as withdrawn with liberty to file afresh after filing of the charge-sheet.
3. As per the prosecution story, on 17.02.2011, father of the prosecutrix lodged a report wherein it has been alleged that some unknown person abducted his minor daughter. On the basis of the said report, offence under Section 363 of the IPC has been registered. During course of investigation, the prosecutrix was found in the Balika Grih, Mathura. Statements of the prosecutrix were recorded wherein she

disclosed the fact that one unknown lady lured her and took her from the Bhatapara railway crossing. Allegations against the present Applicant is that she alongwith her husband, kept the prosecutrix with them in Dhaulpur, Rajasthan. Thereafter, the husband of the Applicant, took the prosecutrix to Allahabad and Firozabad for prostitution work. On the basis of the said allegations, other offences have been added. The Applicant has been taken into custody on 06.08.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the Applicant has no idea that her husband is taking the prosecutrix for prostitution. He also submits that the Applicant is a patient of HIV positive and she is in custody since 06.08.2018 and trial will take time. Charge-sheet has been filed on 17.10.2018. .Therefore, she may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is a patient of HIV positive, she is in custody since 06.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for her appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge