

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1707 of 2018**

Sanjay Kumar S/o Nathuni Shah, aged about 36 years, R/o. Village-Sangam Vihar E-1580, police station Sangam Vihar, New Delhi.

---- Applicant**Versus**

State Of Chhattisgarh Through Office-in-Charge, police station Tumla, District Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 32 of 2015, registered at Police Station – Tumla, District Jashpur, Chhattisgarh for the offences punishable under Sections 363, 370, 374, 342 and 323/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. This

applicant was unable to give his appearance before the Court for the reason that he was continuously under treatment for the disease from which he was suffering. In this regard, he has filed a certificate of the treating doctor. The victim in this case has herself given statement under Section 164 of the Cr.P.C. that she had been to the place of this applicant with the consent of her parents and worked in household for two years for which, she has received remuneration. On this basis, the prosecution of this applicant is totally baseless, therefore, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant has conspired with the other accused persons in commission of offence of abduction of minor victim and exploitation of labour from her. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. Victim – Ku. Sumitra Chouhan has lodged FIR alleging that she was allured with false promise by co-accused – Sarojini that she will get better employment in Delhi with better salary because of which, she went to Delhi. The victim was given a placement in a household of some other person but she was beaten and driven away from the house and then she was found by the police. Hence, this case.

7. After considering on the submissions made by the victim under Section 164 of the Cr.P.C. against the applicant and also the reason of non-appearance of this applicant so far after filing of charge-sheet in this case, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge