

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3406 of 2020**

Smt. Gouri Yadav W/o Rajesh Yadav Aged About 42 Years R/o Deepak Nagar, Green Chowk, Police Station Mohan Nagar, Tahsil, District Durg, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kabir Nagar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri T.K. Jha, Advocate
For the State	:	Shri D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/07/2020**

1. Heard.
2. Admit.
3. Case diary is available.
4. This is the second bail application under Section 439 of the CrPC.
5. Earlier first bail application of the applicant was rejected by this Court vide order dated 05/09/2019 passed in MCRC No.5528/2019 considering *prima facie* case against her.
6. Perused the case diary in connection with the Crime No.128/2019 registered at Police Station Kabir Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Sections 363(A), 370(A), 376 read with 34 of IPC and Section 4, 17 of PACSO and Section 3 Prevention of Immoral Traffic Act.
7. Case of the prosecution, in brief is that co-accused Mukku Verma was trapping the girls in love affair. Co-accused Mukku Verma, Asha Verma, Payal Sahu, Amarjeet Kaur and applicant were operating the sex racket. The said co-accused used to get wrong work from the girls.
8. Also heard on I.A. No.1/2020 application for grant of ad-interim bail.
9. As per I.A. No.1/2020 looking to the pandemic COVID-19 situation applicant may be released on interim bail.
10. Looking to the facts and circumstances of the case this Court finds that it is not a fit case where the applicant may release on interim bail without considering the case, hence I.A. No.1/2020 is rejected.
11. Counsel for the applicant submitted for regular bail that applicant is in jail since 29/04/2019, two material witnesses are untraceable since January 2020, hence she may be released on regular bail.

12. On the other hand, counsel for the State opposes the bail application. He further submitted that no criminal antecedents against the applicant.
13. This is true that detention period of the accused and delay in trial are material factors for disposal of the bail application of the accused but equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for disposal of the bail application filed by the accused.
14. In present scenario the responsibility for delay in trial cannot be imposed upon the trial Court.
15. Looking to the above mentioned facts and circumstances of the case this Court finds that this is not a fit case where the applicant may release on bail in second round of litigation. Consequently, her second bail application is rejected. However, trial Court is directed that after resuming the regular work of the Court, trial may expedite and all efforts be done for conclusion of the trial.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde