

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2872 of 2020

- Shanti Bai Minj, W/o Sunil Rao, Aged About 36 Years R/o Village Dhirajnagar Gali No.22 Kilapart-2 Ymuna-Inkelev-Faridabad, Police Station-Palla, District-Faridabad, Hariyana.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Kasabell, District Jashpur, Chhattisgarh.

---- Respondent

&

MCRC No. 3848 of 2020

- Sunil Rao, S/o Lal Sahab Aged About 36 Years Caste - Rajput, R/o House No. 2, Street No. 2, Faridabad, Police Station Palla, District Faridabad (Haryana).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kansabel, District Jashpur Chhatisgarh.

---- Respondent

MCRC No.2872/2020

For Applicant : Mr. Sanjeev Kumar Sahu, Advocate
For Respondent : Mr. Anand Verma, Dy. Govt. Advocate

MCRC No.3848/2020

For Applicant : Mr. J.K. Saxena, Advocate
For Respondent : Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2020

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications under Section 439 of the Code of Criminal Procedure, 1973 are the first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.39/2016 registered at Police Station- Kasabell, District Jashpur (C.G.) for the offence punishable under Sections 363, 376, 370, 371, 372, 323, 324, 344, 34 of Indian Penal Code (for short 'IPC') & Sections 4, 6 of the Prevention of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').
3. Mr. Sanjeev Kumar Sahu, learned counsel representing applicant in MCRC No.2872/2020 submits that the applicant is innocent and has been falsely implicated in this case. The materials present in the case diary do not make out any prima facie case against the applicant. Infact, it is applicant who helped the victim when she was in difficulty and the victim has also not made any specific statement against her. In these circumstances, the applicant is entitled to be released on regular bail.
4. Mr. J.K. Saxena, learned counsel representing applicant in MCRC No.3848/2020, submits that the applicant is innocent and has been falsely implicated in this case. Applicant is neither engaged in human trafficking nor he abducted minor prosecutrix for the purpose of human trafficking. The applicant is in jail since 23.2.2020, charge-sheet has been filed and the trial is likely to take long time, therefore, it is prayed

that the applicant may be granted regular bail.

5. Mr. Verma, learned Dy. Government Advocate representing the State opposes both the applications and submissions made in this respect. It is submitted that in her statement recorded under Section 161 of CrPC, the victim has made categorical allegation against both the applicants, therefore, looking to the evidence present against them, they are not entitled to be released on regular bail.
6. Heard both the parties and perused the case diary.
7. The prosecution case is this, that applicant Shanti Bai along with her lover David Khalkho took the victim, a minor girl of 16 years age, to Delhi on false allurements that she will arrange for her study. However, instead of arranging for her studies, they engaged her in household job and on finding opportunity, co-accused David also committed rape with the prosecutrix on more than one occasions. When the prosecutrix complained about the said incident to Shanti Bai Minj, she quarreled with co-accused David Kharkho. Prosecution story further reveals that the prosecutrix was again engaged in household job with the help of co-accused Sunil Rao. In further development, it is alleged that applicant Sunil Rao sold the minor prosecutrix in some whorehouse for some amount where the minor prosecutrix were sexually exploited by number of persons coming to that whorehouse before she was rescued by the police.
8. Considered on the submissions made, as it appears that nature of allegation against applicant Shanti Bai Minj in MCRC No. 2872/2020 is not similar to the allegation that the victim has made against co-accused persons including applicant Sunil Rao and further considering that she is a woman, I feel inclined to allow bail application of applicant

Shanti Bai Minj. As regards the prayer made by applicant-Sunil Rao in MCRC No.3848/2020, looking to the facts of the case and also statement that has been given by the prosecutrix/ victim under Section 164 CrPC wherein she has made clear cut allegation against this applicant, therefore, I do not feel inclined to allow his bail application.

9. Accordingly, MCRC No.2872 of 2020 filed by applicant Shanti Bail Minj is allowed. It is directed that applicant shall be released on bail on her 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 her appearance as and when directed.
10. MCRC No.3848/2020 preferred by applicant Sunil Rao stands rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha