

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5524 of 2020

Banjaram Michcha S/o Michcha Suklu Aged About 26 Years Presently R/o Village Borje P. S. Toyenar, Tahsil And District Bijapur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Toyenar, District Bijapur Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/09/2020

1. The applicant has preferred this third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 02/2017, registered at Police Station – Toyenar, District- Bijapur (C.G.) for the offence punishable under Sections 363 & 370 of the IPC.
2. First bail of the applicant was dismissed as withdrawn with liberty to file afresh after examination of some material witnesses vide order dated 22.10.2018 passed in MCRC No. 5502/2018.
3. Second Bail of the applicant was also dismissed vide order dated 01.03.2019 passed in MCRC No. 999/2019.
4. As per prosecution story, the applicant gave allurement to the victim girls that he will give large amount of money and took them to Delhi and sold them for Rs. 20,000/- each at an agency and thereafter they were sent to Ludhiyana for work from where one victim girl Sunita Vacham absconded and returned to her home and also one victim girl Sushila Kudiyam came to Delhi. On the basis of said background,

offence has been registered. The applicant is in custody since 19.05.2017.

5. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that out of 31 prosecution witnesses, till date 8 have been examined by the prosecution, after 08.03.2018 no other witnesses have been examined by the prosecution the other left witnesses are the resident of Delhi and looking to the present scenario of Pandemic (Covid-19), examination of left witnesses is not possible. The Counsel lastly submits that the applicant is in jail since 19.05.2017 and trial will take time to conclude. Therefore, it is prayed that the applicant may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the facts that after 08.03.2018, no other witnesses have been examined by the prosecution, the other left witnesses are the resident of Delhi and looking to the present scenario of Pandemic (Covid-19), examination of left witnesses is not possible. Without further commenting on other merits of the case, I am inclined to release the applicant on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 6,00,000/- with two local solvent sureties each of Rs. 3,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge