

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1257 of 2020**

Swati Thomas D/o Shri Thomas, Aged About 52 Years R/o Village Maria Sadan  
Convent Kersai, Tahsil Farsabhar, Thaan Tapkara, District Jashpur Chhattisgarh.  
H.O.- Sant Paul Convent At Clement Town, Post Office Road, Society Area,  
Clement Town, Dehradun, Uttarakhand

**---- Applicant**

**Versus**

State Of Chhattisgarh Through S.H.O. P.S.- Tapkara, District Jashpur  
Chhattisgarh

**---- Respondent**

---

|                      |                                    |
|----------------------|------------------------------------|
| For Applicant        | : Mr. Avinash K. Mishra, Advocate. |
| For Respondent/State | : Mr. Ghanshyam Patel, G.A.        |

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**27/10/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 11/2020, registered at Police Station Tapkara, Distt. Jashpur(C.G.) for the offence punishable under Sections 363, 365 & 370 of the IPC.
3. According to the case of prosecution, it is alleged that on 05.09.2019, the applicant was traveling in train along with two minor girls from Raigarh to Nizamuddin for going to Dehradun under the promise to give the job at that place and when they reached at Nizamuddin Station, the applicant had left the minor girls at Nizamuddin Railway Station. On the said background, the matter was reported and offence has been registered against the applicant.
4. 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 the applicant is a sister nun of clarist Franciscan Missionaries and working under the Seraphina Trust since 24 years and presently posted at Maria Sadan Convent, Kersai, District Jashpur and run the dispensary under the name of Maria Health Centre. The said trust is working for charitable object like imparting of education, relief of poverty to give education & training of skill development and training of medical assistance and train and instruct women, adults and children. The Counsel further submits that on the request of parents of both the minor girls, the applicant had agreed to provide them better education as well as training from St. Paul Health Centre Dehradun, therefore, on 04.09.2019 the applicant and the minor girls along with other sisters were traveling from Raigarh to Nizamuddin by Gondwana Express. Referring consent letter dated 01.09.2019 (Annexure-A/3) and certificate given by Sarpanch of village Kersai dated 02.09.2019 (Annexure-A/4) it has been submitted by learned Counsel for the applicant that parents of minor girls as well as Sarpanch of their village was fully aware about the fact that both the girls are going with the present applicant for education and for training of skill development at Dehradun and after the consent of parents of the minor girls train ticket was booked on 03.09.2019 from Raigarh to Nizamuddin. On 05.09.2019, when the train was reached at Nizamuddin Railway Station, a dispute was created by T.T.I. of the Railway regarding hard copy of the train ticket which was not shown by the applicant immediately, therefore, the T.T.I. had created false story and made illegal demand from the applicant and when the applicant was refused his demand, the T.T.I. called his colleagues and created false incident. The Counsel lastly submits that both the minor girls were going Dehradun for better education and training of skill development with the consent of their parents, therefore, prima facie no case can be made out against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory 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 material available.
7. I have perused the FIR, statements of parents of the minor girls recorded under Section 161 of Cr.P.C. and also perused the documents annexed

with the bail application Annexure-A/3, Annexure-A/4 & Annexure-A/5 submitted by learned Counsel for the applicant. From perusal of the above documents and FIR, it appears that both the minor girls were traveling from Raigarh to Nizamuddin with the applicant and from the statements of parents of the minor girls it also appears that both the girls were going Dehradun for better education and training of skill development. No complaint has been made by parents of the minor girls against the applicant. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-
  - I. That accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
  - II. The accused/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 him/her from disclosing such facts to the Court or to any police officer;
  - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
  - IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

**(Arvind Singh Chandel)**  
**Judge**