

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 135 of 2021**

- Anil Markam S/o Mahesh Aged About 28 Years R/o Village Bhejji (Bankopara) P.S. Bhejji Tahsil Konta District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh **---- Applicant**

Versus

- State Of Chhattisgarh Through The Police Station Kirandul, District Dantewada Chhattisgarh., **---- Respondent**

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.
 For State : Dr (Ms) Veena Nair, Dy. Adv. General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****11-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 3-11-2020 in connection with Crime No. 52 of 2018 registered at Police Station Kirandul, District Dantewada (CG) for the offence punishable under Sections 363, 370(A), 374, 341, 34 of IPC, Section 79 and 84 of the Juvenile Justice (Care and Protection of Children) and Section 3 of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
2. The case of the prosecution, in brief, is that on 24-6-2018 complainant lodged a report in Police Station, Kirandul against

present applicant and one other co-accused stating therein that they were involved in child trafficking and labour work without obtaining any consent from the parents. It is further alleged that the children were also not paid wages. On the basis of report lodged in Police Station, some enquiry was conducted and during investigation other victims were recovered from the Poultry Farm of the co-accused, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, neither he abducted nor detained any child, with permission and consent of the parents of the children, they were engaged in working and only dispute arose due to non-payment of wages, on the basis of which FIR was lodged. He would further submit that prior to lodging of FIR, there was any complaint or missing report lodged by the parents of the victims. He would further submit that charge sheet has been filed, prosecution cited 18 witnesses, till date trial is not commenced, he is in jail since 3-11-2020, and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that minor children were taken away from the market in engaging in Poultry Farm for collecting eggs and no consent was obtained from the parents of the children and even

wages were also not given to them.

5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that children were taken from Kirandul Bazar to Sansabad via Hyderabad for working in poultry form of co-accused Raju for collecting eggs for salary of Rs.6000/- per month. It further reveals that the wages were not given to the workers (minor children) and due to non-payment of wages children want to return their homes and Ku. Jogi and Budri left the poultry form. Thereafter, other victims were recovered and shifted to Railway Child Line, Secunderabad from the possession of co-accused Raju. It further reveals that from August 2017 to June 2018 near about one year, no missing report was lodged by the parents of the children.
7. Considering the facts and circumstances of the case, looking to the age of the children who are aged about 15 to 17 years, no missing report was lodged upto one year, the fact that the prosecution cited 18 witnesses, till date trial is not commenced due to Covid-19, charge-sheet has been filed and there is no likelihood of the applicant tampering with evidence of absconding and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. he 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 from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial, and
- iv. He shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju