

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 982 of 2021

1. Antram S/o Mahettar Ghasiya, Aged About 47 Years, R/o. Village Thathari, Police Station Baradwar, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Shivrinarayan, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRC No. 1001 of 2021

1. Smt. Teras Bai D/o Chandrapal Sahis, Aged About 30 Years, R/o Village Navagarh, Police Station Navagarh, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Hariom, S/o Chandrapal Sahis, Aged About 32 Years, R/o Village Navagarh, Police Station Navagarh, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Smt. Ganga Bai, W/o Hariom, Aged About 40 Years, R/o Village Navagarh, Police Station Navagarh, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ishwar Jaiswal, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

16-03-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Both these applications under Section 439 of the Cr.P.C are first bail application before this Court filed by these applicants for grant of regular bail. These applicants have been arrested on 29-10-2020 in connection with Crime No.123/2015 registered at Police Station – Shivrinarayan, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376/34 of the IPC and Section 4 and 6 of POCSO Act.

3. It is submitted by learned counsel for the applicants in both the applications that the applicants are innocent and they have been falsely implicated. It is an old case of the year 2015. The allegations against these applicants are false. The complainant and the victim/prosecutrix have no objection in grant of bail to these applicants and there is no allegation of rape against these applicants. Therefore, it is prayed that these applicants be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that the allegation against these applicants is of very serious nature regarding abduction and human trafficking of a minor girl. Therefore, they are not entitled for grant of bail.

5. Complainant Dilip Sahis and the minor victim/prosecutrix are present before this Court. They have no objection in grant of bail to these applicants.

6. Heard the submissions and perused the case diary.

7. According to the prosecution case, the minor prosecutrix was abducted from her lawful guardianship on 08-05-2015 by these applicants. It is alleged that these applicants forced the minor victim to marry one co-accused Gangaram who then sexually exploited the minor prosecutrix before she was recovered on 31-07-2015. The FIR has been lodged by father of the victim/prosecutrix in this case.

8. Considered on the submissions. For the reason that it is an old case of the year 2015 and why these applicants were not arrested earlier regarding which explanation is yet to be given, charge sheet has been filed in this case and looking to the no objection made by the complainant side, I feel inclined to allow both these applications.

9. Consequently, both these applications filed under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal

bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil