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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 994 of 2021

- Shivpal Singh Rajput, S/o Shri Ratan Singh Rajput, Aged About 30 Years, R/o Chikli, Police Station Udaypura, District - Raisen (M.P.) At Present R/o D.D. Nagar Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge, Police Station Farasgawn, District- Kondagawn, Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Non-applicant

MCRC No. 1076 of 2021

- Shivpal Singh Rajput, S/o Shri Ratan Singh Rajput, Aged About 30 Years, R/o Chikli, P.S. Udaypura, District Raisen (Madhya Pradesh) At Present R/o D.D. Nagar Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge P.S. Farasgawn, District Kondagawn (Chhattisgarh), District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Bhupendra Singh, Advocate.

For State/Non-applicant – Shri D.P. Singh, Deputy Advocate General.

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

19-03-2021

1. As the applicant is common in both these MCRC, 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 this applicant for grant of regular bail. MCRC No.994 of 2021 has been filed by the applicant as he has been arrested in connection with Crime No.130/2020 and MCRC No.1076 of 2021 has been filed by the applicant as he has been arrested in connection with Crime No.131/2020, on 07-01-2021. Both the aforesaid crime numbers have been registered at Police Station – Farasgawn, District Kondagawn, Chhattisgarh for offence under 363, 366(a), 370(5), 376(2)(n), 467, 468, 471 of the IPC and Section 6 of POCSO Act.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in both these cases. The only activity on the part of this applicant had been that he provided transport to other accused persons and he has not participated in commission of any other offence. The investigation is completed and the charge sheet has been filed. The applicant is in jail since 07-01-2021. Therefore, it is prayed that the applicant may be granted bail in both these cases.

4. Learned counsel for the State/non-applicant opposes the applications submitting that looking to the memorandum statement given by this applicant and also the statement of the victims in both the cases, it is clear that this applicant participated with the other co-accused persons in commission of offence of human trafficking and also fabricating documents to show that the victims in both the cases are major for the purpose of performing their marriage and also for obtaining amount for the same. Hence, the applications may be rejected.

5. Notice issued to the complainant in MCRC No.1076 of 2021 has been returned served, but there is no appearance and no representation.

6. Heard learned counsel for the parties and perused the case diary.

7. As per the prosecution case, the minor victim in Crime No.130/2020 and the minor victim in Crime No.131/2020 were abducted by co-accused Gayatri and kept in confinement by her for some time, during which another co-accused namely Mamata Agrawal fabricated the documents with the help of false Adhar Card to show that both the victims are major, in which it is alleged that this applicant also collaborated. Subsequent to that, co-accused Mamata Agrawal who is running a marriage bureau negotiated marriage of both the victims and then one of the victims was married off to one Govind Sharma and another victim was married off to one Rakesh Jain, both of them are resident of Madhya Pradesh. The applicant and co-accused persons received

remuneration for the same. After lodging of the FIR by the parents of the victims, the minor victims have been recovered by the police.

8. Considered on the submissions. Although there is seriousness in the nature of allegation against this applicant, but looking to the present circumstances that the case is now pending for trial after filing of charge sheet, therefore, I feel inclined to allow both these applications.

9. Consequently, both these applications filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that this applicant shall be released on bail on his furnishing in each of these cases 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 his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge