

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1394 of 2021**

- Laxman Jogani S/o Baswani Jogani aged about 42 years, R/o B-2 Pocket Flat No. 712 Loknayakpuram Bakkrwala New Delhi 110041

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station-Toyenar, Distt. Bijapur, Chhattisgarh

-----Respondent

For Applicant : Mr. Vikas A Shrivastava, Advocate.

For Respondent- State : Mr. B.P. Banjare, Dy. Govt. Adv.

(proceedings through Video Conferencing)**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****07/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 02/2017 registered at Police Station Toyenar, District Bijapur (C.G.) for the offence punishable under Sections 363 and 370(3)(4) of IPC, Section 9(1)(2) C.G. Niji Niyojan Abhikaran (Vinimayan) Adhiniyam 2013 and Section 26 of Juvenile Justice (Care and Protection of Child) Act.
2. Case of the prosecution is, that father of one of victim has lodged a report that Banjaram Michcha had taken his daughter and her friend to Delhi on the pretext that he would provide them work. He sold them to Jogani Agency for Rs. 20,000/- each. The minor girls from Delhi have been sent to Ludhiyana. After some time they managed to escape and returned back to Delhi at Prayas Institution. Based on the complaint, crime was registered against Banjaram Michcha and present applicant.
3. Mr. Vikas Shrivastava, learned counsel for the applicant submits that the

applicant is co-accused and the main accused who allegedly abducted the child from the place of resident is Banjaram Michcha who has been enlarged on bail vide order dated 17.09.2020 in MCRC No.5524/2020. He further submits that the applicant is in jail since 19.05.2017. There are as many as 31 witnesses out of which only 8 witnesses have been examined. The trial may take some time, hence, the applicant may be enlarged on Bail.

4. On the other hand, Mr. B.P. Banjare, learned Deputy Government Advocate for the State, opposes the submission made by learned counsel for the applicant.
5. I have heard learned counsel for the respective parties.
6. Copy of order passed in MCRC No. 5524/2020 has been placed on record as Annexure A-2 wherein the application of Banjaram Michcha filed under Section 439 of CrPC has been allowed. Case of the present applicant cannot be placed on different footing than that of Banjaram Michcha.
7. Taking into consideration entire facts and circumstances of the case and further considering the fact, as per the statement made by learned counsel for applicant, that there are as many as 31 enlisted witnesses and also looking to the present scenario of Covid-19 pandemic, without commenting anything on merits of the case, I am inclined to allow the bail application.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a personal bond in the sum of Rs. 5,00,000/- with one local surety in like sum to the satisfaction of the Court on the conditions that-

a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

b) The applicant shall not, in any manner, tamper with the

prosecution witnesses.

c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan