

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1408 of 2021

- Smt. Mamta Agrawal, W/o Omprakash Agrawal, Aged About 38 Years, Caste- Baniya, R/o Vinayak Vihar D.D. Nagar, Raipur, District - Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Farasgaon, District Kondagaon, Chhattisgarh

---- Respondent

MCRC No. 1524 of 2021

- Smt. Mamta Agrawal, W/o Omprakash Agrawal, Aged About 38 Years Caste Baniya, R/o Vinayak Vihar D.D. Nagar Raipur District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Station Farasgaon District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. D.R. Agrawal, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv.General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/07/2021

1. Above two bail applications are heard and decided together by this common order as they arise out of similar type of offence committed by the applicant.

2. Both these applications are the first bail applications of the applicant filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.130/2020 in MCRC No.1408/2021 & Crime No.131/2020 in MCRC No.1524/2021 registered at Police Station-Farasgaon, District – Kondagaon(C.G.) for the offences punishable under Sections 363, 366(A), 370(5), 376(2)(n), 467, 468, 471 of Indian Penal Code (for short 'IPC') and Section 6 of Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by the learned counsel for the applicant in both the cases that she had been falsely implicated in these cases. Applicant is in jail since 7.1.2021. Charge-sheet has been filed and trial is likely to take some time. It is further submitted that one co-accused Shivpal Singh Rajput has been granted bail by this Court in MCRC Nos.994/2021 & 1076/2021 vide common order dated 19.3.2021, therefore, it is prayed that this applicant may also be granted regular bail
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that this applicant has played main role in the trafficking of the minor victims and also in forging the Aadhar Card and other documents to show that the victims are major, therefore, she is not entitled for grant of regular bail.
5. Notice issued to the complainant has been returned served, but there is no appearance and no representation.
6. I have heard the learned counsel for both the parties and perused the case diary.

7. According to prosecution case the minor victim in Crime No.130/2020 and the minor victim in Crime No.131/2020 were abducted by the co-accused Gayatri, who kept them in confinement for some time. She took help of this applicant in fabricating documents and generating false Adhar Card to show that victims are major. Subsequent to that this applicant along with co-accused Gayatri and Shivpal Singh Rajput negotiated for marriage of both the victims then one of the victim 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. Hence this case.
8. Considered on the submissions and the facts of the case. The charge-sheet has been filed and the case is now pending for trial and the applicant is in jail more than 6 months. One co-accused person has been granted bail by this Court and this applicant has also appears to be similarly placed, therefore, the applications are allowed.
9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge