

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1548 of 2021**

- Smt. Pushpa Kandra, W/o Shri Heeralal Biloniya, Aged About 30 Years Infront Of Chalmukh Shri Ram Mandir, Police Station - Chintaman, District - Ujjain (M.P.).

---- Applicant**Versus**

- State of Chhattisgarh, Through, Station House Officer, Police Station - Patthalgaon, District - Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For State/respondent	: Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/07/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to her as she is in custody in connection with Crime No.255/2020 registered at Police-Station-Patthalgaon, District-Jashpur(C.G.) for the offence punishable under Sections 363, 366-A, 368, 376, 370/34 of IPC and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. She is in jail since 30.12.2020. This applicant has committed no offence. All the allegations are against the other accused person. The applicant is a woman and looking to the length of her detention in jail, she may be

enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant has equally played the role of human trafficking, in which, the minor prosecutrix was sold to the other co-accused persons, therefore, she is not entitled for grant of regular bail.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Jashpur on notice. She has stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that the prosecutrix was abducted by this applicant and her husband from her place of residence and then she was taken to Ujjain. The prosecutrix was then kept in confinement and ultimately she was sold to the co-accused Rakesh Paregi and Parmeshwar Chouhan at a price of Rs.25,000/-.
7. Considered on the submissions. The statement of prosecutrix under Section 164 CrPC shows, that the prosecutrix has mainly alleged against the co-accused Heeralal, who has threatened and kept the prosecutrix in confinement and negotiated for her sale, hence, looking to the limited role of this applicant and also that she is a woman, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her

appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha