

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3974 of 2021

- Govind Sharma S/o Vitthal Sharma Aged About 25 Years R/o Village Paranth, Police Station Bambori, District Guna Madhya Pradesh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Sushil Dubey, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

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

22-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 07.01.2021, in connection with Crime No.131/2020 registered at Police Station— Farasgaon, District- Kondagaon, C.G. for offence punishable under Sections 363, 366(A), 370(A), 370(5), 376(2), 376(3), 467, 468, 471, 372, 373 of I.P.C. and Section 06 of POCSO Act, 2012 and Sections 3(2)(V), 3(2)(V)(A) of SC/ST (PA) Act, 1989.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 07.01.2021. Charge-sheet has been filed. The applicant has not committed any offence. The offence of abduction, forgery and trafficking has been committed by the other co-accused persons. This applicant had married the prosecutrix with belief that she was a major

girl. The other allegation regarding purchasing the prosecutrix is false. Co-accused persons namely Shivpal Singh Rajput and Mamta Agrawal have been granted bail by this Court. Therefore, it is prayed that this applicant may also be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submissions made by learned counsel for the applicant and submits that the applicant is the person, who has purchased the minor prosecutrix, therefore, he is an accused of the offence of trafficking. Further, he has knowingly sexually exploited the minor prosecutrix, hence, there is no case for grant of bail to this applicant.
4. Notice issued was returned served but no appearance or representation was made on behalf of the prosecutrix.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the minor victim in this case was abducted and confined by the co-accused Gayatri. Then with the help of other co-accused namely Mamta Agrawla, the Aadhar Card and other documents of the victim were forged to show that she was a major girl. The co-accused Shivpal Singh Rajput assisted the co-accused Gayatri and Mamta Agrawal to find a match for the marriage of the minor prosecutrix. This applicant was found, who then made purchase of the minor prosecutrix at a price. Subsequent to which, he also exploited her sexually. Hence, this case.
7. Considered on the submissions. The prosecution case was that the minor prosecutrix was married to this applicant and that the documents were fabricated to show that the minor prosecutrix was major. Hence, for these reasons and so for the reasons, there is likelihood of delay in trial, therefore, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439

of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika