

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4715 of 2021

1. Abhishek Jatav, S/o Vinod Jatav, Aged About 20 Years, R/o Kamlaganj, Dhosipura, Nearby Purani Kalari, Shivpuri (Chipri), Police Station Pijikal, District Shivpuri (M.P.).
2. Ajay Jatav S/o Shrilal Singh Jatav Aged About 23 Years R/o Kamlaganj, Dhosipura, Nearby Purani Kalari, Shivpuri (Chipri), Police Station Pijikal, District Shivpuri (M.P.) ---- **Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police of Police Station Ranchirai, District Balod , Chhattisgarh.

---- Non-Applicant

For Applicants	: Mr. Anil Gulati, Advocate
For Non-Applicant/State	: Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.07.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 22.03.2021 in connection with Crime No. 42/2021 registered at Police Station- Ranchirai, District- Balod (C.G.) for the offence punishable under Section 366, 368, 370 (A) (2), 376 (2) (n), 420, 323, 506, 496, 34 of IPC.
- 2) Case of the prosecution, in brief, is that during inquiry into the missing reports lodged for three young girls , the applicants and five other accused persons were arrested by the police station Ranchirai under the aforesaid offence. On the memorandum of co-accused Nehal Singh Chauhan, three missing girls were recovered from his possession. It is alleged that the co-accused persons were involved in human trafficking, they used to get the

girls forcibly married with their customers for monetary benefits. The allegation against the present applicants is that they were signatory to the marriage agreement executed between the co-accused Nehal Singh Chauhan and the Complainant and that the applicant Ajay Jatav identified the complainant therein.

- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the only allegation against the present applicants is that their signatures are in the marriage agreement paper which was executed by the co-accused Nihal Singh Chauhan and Complainant Lusika, Charge sheet has already been filed, the applicants have no criminal antecedent, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 22.03.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application, however, she submits that the applicants have no criminal antecedent.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, they were merely signatory to the marriage agreement executed by co-accused Nihal Singh Chauhan and the complainant, no specific role has been attributed to the present applicants of human trafficking or commission of rape etc, the detention period of the applicants, who are 20 & 23 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
- 6) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of

Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim