

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5527 of 2021

- Jitendra Solanki, S/o Badrilal Solanki, Aged About 20 Years, R/o - Sugandha Nagar, House No. 25, Lane No. 1, Police Station Banganga, District Indore (M. P.). **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Ranchirai, District - Balod Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Mukesh Kr. Patil, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is 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 Sections 376, 368, 370 (A) (2), 376(2)(a), 420, 323, 506/34 of IPC.
- 2) Case of the prosecution, in brief, is that during inquiry into the missing reports lodged for three young girls, the applicant alongwith 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 present applicant alongwith other co-accused persons are involved in human trafficking, they used to get the girls forcibly married with their customers for monetary benefits.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant had no active role in this case, neither co-accused nor victim girl had stated that they have had a talk of marriage for consideration of Rs. 30,000/- with the applicant, all these conversation took place behind the back of the applicant. The present applicant is Auto driver, who carried the co-accused Nihal Singh and the Victim as passenger. It is further submitted that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, co-accused namely Abhishek Jatav & Ajay Jatav have already been granted regular bail by this Court vide order dated 28.07.2021 in MCRC No. 4715 of 2021. The applicant is in jail since 22.03.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, the co-accused Nehal Singh Chauhan had told about marriage of the victim with the applicant, the alleged dealing was made between the co-accused and the customers behind the back of the applicant, nor any amount was given or received by the applicant, the fact that co-accused persons have already been granted regular bail by this Court, charge-sheet has already been filed, the detention period of the applicant, who is 20 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

6) It is directed that in the event of the applicant 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, he shall be released on bail, on following conditions :-

(i) he 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,

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

(iv) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

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

Sd/-
(Gautam Chourdiya)
Judge

Nadim