

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5018 of 2021

- Salman Khan, S/o Ahmed Khan, Aged About 30 Years, R/o Bengali Para, Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer Police Station Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri B.P. Singh, Advocate

For Non-Applicant/State : Shri Rahim Ubawani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.08.2021

- 1) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 23.11.2020 in connection with Crime No. 550/02020 registered at Police Station- Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 365, 366, 368, 506, 370 (A)2, 376, 34, 120 B of IPC.
- 2) Case of the prosecution, in brief, is that the present applicant alongwith other co-accused persons enticed away the prosecutrix from Raipur to Delhi and Delhi to Hariyana. In Hariyana the prosecutrix was kept in the rental house and she was subjected to forcible sexual intercourse by co-accused Shubham Tiwari, she was threatened of life if she tried to escape. The prosecutrix was then sold to Suresh with the help of Ajay and Rekha and further she was forcibly married to Rajesh. However, somehow

she escaped from the home of Rajesh and went to the police station where she disclosed the entire incident to them.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, 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, the applicant has been arrested on 23.11.2020 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant alongwith the co-accused persons enticed away the prosecutrix who is married women having one child and she was subjected to forcible sexual intercourse. The bail application of the co-accused persons have already been rejected by the co-ordinate Bench of this Court vide order dated 19.07.2021 in MCRC Nos. 1952, 2149, 2264 & 3226of 2021.
- 5) Having heard learned counsel for the parties. Having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, looking to the statements of the prosecutrix recorded under Sections 161 & 164 of IPC., the criminal conspiracy, number of accused persons involved in human trafficking, the prosecutrix who is mother of 4 years child was kidnapped and sold to the different persons, the fact that bail applications of co-accused persons have already been rejected by the co-ordinate Bench of this Court, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
- 6) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge