

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6128 of 2021

- Vijay Vallabh Bhai Vaghani, S/o Vallabh Bhai Heerji Bhai, Aged About 30 Years, R/o 20 Bharat Vatika Row House, Kojhue Road, Katargam, Surat, Gujrat. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station Bhatapara (City), District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Deepak Jain, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29.09.2021

Heard.

- 1) Earlier the Second bail application of the applicant was dismissed on merit by this Court vide order dated 15.02.2021 in MCRC No.9536/2021.
- 2) The applicant has preferred this Third Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 26.09.2020 in connection with Crime No. 370/2020, registered at Police Station- Bhatapara (city), District- Baloda-Bazar-Bhatapara (C.G.) for the offence punishable under Sections 365, 366, 370, 376 (D), 506 (B), 343, 120-B/34 of IPC.
- 3) Case of the prosecution in brief is that the prosecutrix lodged a report on 19.9.2020 at Police Station – Bhatapara to the effect that co-accused Deepak Yadu forcibly took her from Bhatapara to Bilaspur by train on the assurance of marrying her. At the railway station, he called Pinta Marathi and his associates and one girl (another victim) from Gondia, Aamgaon. The prosecutrix

was sold to Pinta Marathi and his associates. She was forcibly made to eat food and after eating food she fell asleep. However, when she woke up she found herself at Aamgaon (Maharashtra). The prosecutrix and another victim were confined in a room and beaten by Pinta Marathi and Ashok Patle. After three days, the prosecutrix and another victim were taken to Chandrapur (Maharashtra) by one aunt where they stayed for a week and thereafter they were taken back to Aamgaon. Then both of these girls were taken to Nagpur where Pappu and his friend Ramesh Marathi with other customers came to see the girls. However, when deal could not be finalized, these girls were taken to Surat (Gujarat) where all of them stayed in the house of one Sanju. It is also alleged that the prosecutrix was subjected to gang rape by the accused persons. The another victim was sold at Porbandar to one old aged customer. The prosecutrix was forcibly married to Vijay Gujrati (applicant herein) after obtaining Rs.1.50 lacs from him. However, the prosecutrix somehow escaped from there with the help of one Chirag Gujrati who brought her to Badodra where she performed court marriage with one Abhishek Shah of her own will on 13.11.2019 and started residing there. On the above report being lodged, the aforesaid offence has been registered against the present applicant and other co-accused persons.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the prosecutrix is now examined by the trial Court and she did not identify the applicant as well as she does not support the prosecution case. There is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 26.09.2020, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.

6) 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 applicant, the role attributed to the applicant in forcibly transporting her to different places, beat her, she was sold to various persons and subjected to gang rape; the forged documents created by the applicant regarding marriage with the prosecutrix and divorce; that the evidence of the prosecutrix filed as annexure A/5 is incomplete as her cross examination has not been done, the bail application of the other co-accused in this case have already been dismissed by this Court on merits and the other material collected by the prosecution, there is no change in the circumstances, therefore, I am not inclined to release the applicant on bail.

7) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim