

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6406 of 2021**

Smt. Payal Sahu, W/o. Pintu @ Ramesh Sahu, aged about 20 years, R/o. Ganesh Mandir, Behind Pathak Bhojnalaya, Moti Talab Para, Police Station City Kotwali, Rajnandgaon District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Kabir Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent/State : Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/09/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.128/2019, registered at Police Station – Kabir Nagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363 (A), 370 (A), 376 R/w. 34 of the Indian Penal Code and Section 4, 17 of Protection of Children from Sexual Offences Act, 2012 and Section 3 of Prevention of Immoral Traffic Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in

jail since 29.04.2019. The prosecutrix has been examined before the trial Court and she has not identified the applicant and neither she has made any statement against her. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident further there are other witnesses yet to be examined in the trial, hence, this application be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant along with other co-accused persons, used to entice the minor girls and then used to force them entering into prostitution. Therefore, the minor prosecutrix and other victims have been sexually exploited by the customers or by this applicant and other co-accused persons.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix. It is found that she is a hostile witness as she has not supported the prosecution case against this applicant, hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram