

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6304 of 2021

- Gayatri Rao, W/o Ganesh Rao, Aged About 40 Years R/o Shanti Ward, Jagdalpur, Police Station Bodhghat, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Farasgaon, District : Kondagaon, Chhattisgarh.

---- Respondent

MCRC No. 6556 of 2021

- Gayatri Rao, W/o Ganesh Rao, Aged About 40 Years, R/o Shanti Ward, Jagdalpur, Police-Station-Bodhghat, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station - Farasgaon, District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Kishore Narayan, Advocate.
For State/respondent	: Mrs. Smriti Shrivastava, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/09/2021

1. Above two bail applications are heard and decided together by this common order as they arise out of similar type of offence committed by the applicant is common in both the cases.

2. Both these applications are the first bail applications of the applicant filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No.131/2020 in MCRC No.6304/2021 & Crime No.130/2020 in MCRC No.6556/2021 registered at Police Station-Farasgaon, District – Kondagaon(C.G.) for the offences punishable under Sections 363, 366(क), 370(क), 370(5), 376(2)(क), 376(3), 467, 468, 471, 372, 373, 374, 419, 34 of Indian Penal Code (for short 'IPC') and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v), 3(2)(v)(क) of SC/ST Act.
3. It is submitted by the learned counsel for the applicant in both the cases that she had been falsely implicated in these cases. Applicant is in jail since 7.1.2021. The co-accused persons namely-Mamta Agrawal, Shivpal Singh Rajput and Govind Sharma have been granted bail by this Court. The case of the applicant is similar to the case of Mamta Agrawal, who has been granted bail by this Court in MCRC No.1408/2021 and 1524/2021 by combined order dated 14.7.2021, therefore, it is prayed that this applicant may also be granted regular bail
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that this applicant is the main accused in the offence of trafficking that has been committed, therefore, she is not entitled for grant of bail.
5. The prosecutrix/complainant was virtually present before this Court on 23.9.2021 and she has objected to grant of bail to the applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.

7. According to prosecution case, the minor victim in Crime No.130/2020 and the minor victim in Crime No.131/2020 were abducted and kept in confinement by this applicant for some time. Subsequent to that, she took help of the co-accused Mamta Agrawal in fabricating documents for showing the victims as major. Another co-accused Shivpal Singh Rajput negotiated with Govind Sharma and Rakesh Jain, with whom both the victims were married and then they were sexually exploited by co-accused Govind Sharma and Rakesh Jain.
8. Considered on the submissions. As the co-accused persons in this case mentioned hereinabove have been granted bail and the case is at present pending for trial, therefore, this applicant has also appears to be similarly placed, hence, both the applications are allowed.
9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha