

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6517 of 2021**

Smt. Amarjit Kaur, widow of late Tarsen Singh, aged about 60 years, resident of
Ganjpara, Near Kabristan, Durg, District Durg (C.G.) (In Jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Kabir
Nagar, Raipur, District Raipur (C.G.)

----Non-applicant

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Non-applicant	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****10-11-2021**

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail in connection with Crime No. 128/2019 registered at Police Station Kabir Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Sections 363(A), 370(A), 376 read with Section 34 of the IPC, Section 4 & 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Prevention of Immoral Traffic Act.

(2) Applicant's first bail application was dismissed on merits by the Coordinate Bench vide order dated 19.09.2019 passed in M.Cr.C. No. 5825 of 2019.

(3) Case of the prosecution, in brief, is that applicant & other co-accused persons used to trap the minor & major girls on the greed on money and they used to involve

them in sex racket to get monetary benefits and thereby committed the aforesaid offences.

(4) Learned counsel appearing for the applicant would submit that applicant's first bail application filed under Section 439 of the Cr.P.C. was dismissed by the coordinate Bench of this Court vide order dated 19.09.2019 passed in M.Cr.C. No. 5825 of 2019, thereafter, the circumstances have been changed i.e. charge-sheet has been filed and trial is going on before the trial Court; both the victim/prosecutrix have been examined before the trial Court but they have been declared hostile by the prosecution, as they have not supported the case of the prosecution. He further submits that similarly situated co-accused persons namely Smt. Gouri Yadav, Payal Sahu & Mukesh Verma have already been released on regular bail by the Coordinate bench vide order dated 05.08.2021, 27.9.2021 & 30.9.2021 passed in M.Cr.C. Nos. 3616 of 2021, 6406/2021 & 6182/2021, respectively, hence on the ground of principle of parity, present applicant is also entitled for grant of regular bail. Therefore, the applicant may be released on bail.

(5) On the contrary, learned counsel for the State while opposing the submissions made by counsel for the applicant would submit that it is a case of running of sex scandal and the the present applicant was actively participated in that scandal, therefore, looking to the seriousness of the alleged crime, her bail application is liable to be rejected.

(6) Notice issued to victim/prosecutrix No. 1 has been served upon her father but neither they appeared before the Court nor represented by any counsel whereas as per record, notice has also been issued to victim/prosecutrix No. 2 but it has been

returned unserved with an endorsement that she was not found in the given address.

Thus, neither she appeared before the Court or represented by any counsel.

(7) I have heard learned counsel for the parties and perused the case diary as well as certified copy of the depositions of four witnesses including victim/prosecutrix filed by the applicant.

(8) Although, the applicant's first bail application was dismissed on merits by the Coordinate Bench vide order dated 19.09.2019 passed in M.Cr.C. No. 5825 of 2019 but now, the circumstances have been changed i.e. charge-sheet has been filed and four witnesses have been examined before the trial Court including both the victims/prosecutrix, in which, they have been declared hostile by the prosecution, as they have not supported the case of the prosecution. Hence, considering the aforesaid facts and also further considering the detention period of the applicant, I feel inclined to allow the bail application filed by the applicant. Accordingly, the *second* bail application is allowed.

(9) Accused/applicant is directed to be released on bail on her executing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

