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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8072 of 2020**

1. Ramesh Takdikar S/o Baburao Takdikar Aged About 52 Years R/o Premnagar, Jhinda Chauk, Near Of Chintaman Tikde Decoration, District Nagpur, Maharastra, District : Nagpur, Maharashtra
2. Umesh Chute S/o Harikishan Chute Aged About 43 Years R/o Ankush Palde, Near Hanumat Temple, Hundkeshwar Road, District Nagpur(M. H.) (Address Wrongly Mentioned In Order Sheet), District : Nagpur, Maharashtra

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station- Bhatapara City, District Baloda Bazar- Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant**MCRC No. 9536 of 2020**

- 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 Gujarat., District : Surat, Gujarat

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara City District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

----Non-Applicant**MCRC No. 463 of 2021**

- Deepak Yadu (Golu) S/o Chheduram Yadu Aged About 20 Years R/o Ramsagarpara, Bhatapara Police Station Bhatapara, District Baloda Bazar - Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- 1.State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (City) District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Sameer Singh, Advocate in MCRC No.8072 of 2020
For Applicant	:	Shri V.V.S. Murthy, Sr. Advocate with Shri Shantanu Kumar, Advocate in MCRC No. 9536 of 2020
For Applicant	:	Shri Anand Prakash Sharma, Advocate in MCRC No.463/2020
For Non-Applicant/State	:	Shri B.L. Sahu, Panel Lawyer in all the bail applications

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****15/02/2021**

1. As all the MCRCs arise out of the same Crime Number, they are being heard and disposed of by this common order.
2. MCRC No.8072/2020 and MCRC No.463/2021 are the first bail applications filed on behalf of the respective applicants, whereas, MCRC No.9536/2020 is the second bail application filed on behalf of the applicant - Vijay Vallabh Bhai. His earlier bail application was dismissed as withdrawn vide order dated 8.12.2020 passed in MCRC No.8422/2020 with liberty to file a fresh application as and when occasion arises.
3. The applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, as they are in jail since 24.9.2020 and 26.6.2020 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 the IPC.
4. 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 applicant 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 one Vijay Gujrati 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 applicants and other co-accused persons.

5. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. Shri V.V.S. Murthy, learned Sr. counsel submits that the prosecutrix was willing to marry the applicant- Vijay Vallabh Bhai at Surat (Gujrat) on 17.10.2019 by herself as Ms. Mamta Patel and a marriage certificate to this effect has also been issued by the Patidar Samaj Trust, Surat (Gujarat). However, due to some ideological differences between them, they got divorced vide Annexure A4. It is further submitted that the FIR has been lodged with an inordinate delay without any explanation and looking to the conduct of the prosecutrix; the detention period of the applicants; the fact that charge sheet has already been filed and conclusion of trial is likely to take some time, therefore, at this

stage, the applicants may be granted bail.

6. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, particularly considering the statement of the prosecutrix; the manner in which offence has been committed by taking girls in the name of providing them job and forcing them in the flesh trade; the role attributed to the applicants in forcibly transporting her from Bhatapara to Bilaspur and then to Aamagaon and Surat where she was confined, beaten, sold to various persons and subjected to gang rape; the forged documents created by the applicant-Vijay Vallabh Bhai regarding marriage with the prosecutrix and divorce; and the material collected by the prosecution, I am not inclined to grant bail to the applicants.
9. Accordingly, all the three bail applications are dismissed.

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Sd/
(Gautam Chourdiya)
Judge