

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8300 of 2020**

- Phoolder @ Phoolsingh Wadde S/o Rajman Wadde Aged About 25 Years Resident Of Sonapal, P.S. Benur, Dist. Narayanpur (Cg), District : Narayanpur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Police Station Benur, Narayanpur, (Cg), District : Narayanpur, Chhattisgarh

---- Respondent

Present:-

Shri Raza Ali, counsel for the applicant.
Shri Shubham Verma, PL for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

05/03/2021

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.46/2020 registered at Police Station Benur, Narayanpur for the offence punishable under Section 294, 370, 34 of the IPC. The applicant was arrested on 20-10-2020.
2. Case of the prosecution is that the applicant is involved in human trafficking. It is alleged that some girls from Chhattisgarh were taken to the State of Tamilnadu to work in a Poultry Farm in exploitative conditions and they were kept in a wrongful confinement and not allowed to come back to home.
3. Learned counsel for the applicant would submit that as far as the applicant is concerned, the allegation that he had taken the victim Ku. Sitaya Kalam and Ku. Punita Korram to the State of Tamilnadu by misleading them, is not made out nor is there any allegation of they being kept against their wishes or any kind of exploitation or any other act of criminal nature. He would further submit that the alleged victim have given their statement under Section 164 of Cr.P.C. before the Magistrate, in which, they have stated that they of their own had gone to another state in search of livelihood, they worked and have been

paid wages and thereafter, they came back to their native places. It is lastly submitted that all the victims are major.

4. On the other hand, learned State counsel opposes the bail application by submitting that at the work place in the State of Tamilnadu, the police raided the premises and number of workers including the victims were found and the allegations leveled against the present applicant are found prima facie true and thereafter, on the basis of enquiry made by the different authorities, it is found that the victims of the present case were kept in the work place in the State of Tamilnadu against their wishes and therefore, it is a prima facie case of human trafficking.

5. On prima facie consideration, it is found that allegations against the present applicant is that he had taken the present victim to the State of Tamilnadu by misleading them and thereafter, they were kept in a wrongful confinement at work place in exploitative condition, but, the victim in their statement under Section 164 of Cr.P.C. before the Magistrate, have denied all the allegations and stated that the victims are major and further taking into consideration that the investigation is complete, charge sheet has been filed and the applicant is in jail since 20-10-2020, I am inclined to enlarge the applicant on bail.

6. Accordingly, the bail application(M.Cr.C.No.8300 of 2020) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge