

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8061 of 2021

1. Prabha Paikra W/o Tosif Ansari, Aged About 23 Years, R/o Village Karkali, P.S. Kusmi, District Balrampur Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja (C.G.).

---- Non-Applicant

For Applicant : Mr. Abhishek Pandey, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

22/11/2021

- 1) This is the **Second Bail Application** filed by the applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. First Bail Application i.e. MCRC No. 96/2021 was dismissed as withdrawn vide order dated 09/02/2021.
- 2) The applicant is in jail since 07/10/2020 in connection with Crime No. 98/2018 registered at Police Station Lakhanpur, District Surguja (C.G.) for the offence under Sections 363, 370 & 370A of Indian Penal Code.
- 3) Allegation against the present applicant is she enticed away the prosecutrix, aged about 13 years to Delhi and sold her to one Doctor as a maid. However, somehow the prosecutrix escaped from there and came back to Katni through Train. On suspension she was taken into custody by the Child Lines Authorities of Katni and after inquiry she was handed over to her parents.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. The prosecutrix and her father have been examined before the Trial Court and have not supported the prosecution case. He further submits that charge sheet has already been filed, applicant is in jail since 07/10/2020, there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the depositions of the prosecutrix and her father (Annexure A-3), the detention period of the applicant who is 23 years old, charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,
 - iv. she shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,

- v. she shall not involve herself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant