

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8910 of 2020**

- Bharat Rathiya S/o Mangal Rathiya Aged About 45 Years, R/o Village - Baihamida Police Station and Tahsil - Gharghoda District Raigarh. Civil and Revenue District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Officer-In-Charge Police Station - Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Ishan Verma, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**12-03-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-10-2020 in connection with Crime No.227/2020 registered at Police Station – Gharghoda, District Raigarh, Chhattisgarh for the offence under Section 363, 366-A, 376 (2) (1), 376 (2)(n) of the IPC and Section 5k, 5i, 5j(ii) of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix has been examined in the trial and she has not named this applicant regarding his involvement in commission of any crime. There is no allegation of rape against this applicant. He is in jail since 22-10-2020. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is allegation against the applicant regarding making purchase of the minor victim, therefore, offence of human trafficking is made out against him. Hence, the application may be rejected.
4. Complainant was issued notice who has given appearance on 24-02-2021 and has made objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the minor prosecutrix of age below 18 years was brought in pregnant condition to Women Protection Officer, Gharghoda and on the basis of statement given by her, a complaint was given to the police station. It is alleged that father of the prosecutrix, accused Dileram Rathiya sold her to some person of Village Pandaripani at a price of Rs.2000/- who exploited labour from her and then she was again sold by her father to another person, namely, accused Rajaram who exploited her sexually because of which she became pregnant.

7. Considered on the submissions. After looking to the deposition of the prosecutrix in the trial and other circumstances, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**