

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9278 of 2020**

- Pankaj Mahakud, S/o Ramesh Mahakud, aged about 25 Years, R/o Matakambada, Kolha Barpada, Kendujhar, Odissa.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh.

----Non-applicant

MCRC No. 710 of 2021

- Sohan Lal Chaudhary, S/o Sudarshan Chaudhary, age 31 Years, R/o Village Birgaon, P.S. Urla, Tehsil and District- Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Kota, District, Bilaspur, chhattisgarh.

----Non-applicant

For Applicants	Shri K.P.S. Gandhi & Shri Vaibhav P. Shukla, Advocates.
For State	Shri Sudhir Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****17/03/2021**

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.515/2020 registered at Police Station Kota, Bilaspur, C.G. for the offence punishable under

Sections 363, 370(5), 34 of Indian Penal Code, they are being disposed of by this common order.

2. Allegation against the present applicants is that they were illegally trafficking some minor children from Orrisa to Raipur for labour work by Bolero bearing registration No.OD9-A-63902 & Marazo bearing registration No. MP65-T-3555. On the basis of information received from an informant on 28.11.2020, police apprehended the accused persons and registered the above offence against them.
3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. They submit that the allegation against the present applicants is false and baseless as they were not transporting the minor children. The applicants are in jail since 29.11.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicants, who are 31 & 25 years of age, charge sheet has already been filed, the fact that the applicants have no criminal antecedent and there is no likelihood of the applicants tampering with the evidence or absconding as

admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the applications are allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge