

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8605 of 2021

1. Prasannjit Vyapari, S/o Santosh Vyapari, Aged About 24 Years, R/o Village Sai Mandir, Gandhinagar, P.S. Gandhinagar, Ambikapur, District- Surguja, Chhattisgarh.
2. Sanam Vyapari, W/o Prasannjit Vyapari, Aged About 20 Years, R/o Village Sai Mandir, Gandhinagar, P.S. Gandhinagar, Ambikapur, District- Surguja, Chhattisgarh.
3. Manoj Kumar, S/o Lallu, Aged About 27 Years, R/o Village Bari, Maheva, P.S. Karma, District- Sonbhadra, Uttar Pradesh.

---- Applicants

Versus

- State of Chhattisgarh, Through- S.H.O. Police Station - Narayanpur, District – Jashpur, Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri Rajbahadur Singh, Advocate
For Non-Applicant/State	: Smt. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.12.2021

Heard.

- 1) First bail application of the applicants under Section 439 of Cr.P.C. was dismissed on merit by the co-ordinate Bench of this Court vide order dated 23.07.2021 passed in MCRC No. 3808 of 2021.
- 2) The applicants have preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 12.05.2021 in connection with Crime No.36/2021 registered at Police Station- Narayanpur, District- Jashpur (C.G.) for the offence punishable under Sections 363, 370 (4), 34 of IPC.

- 3) Allegation against the applicants is that the applicants have trafficked a minor girl, aged about 17 years and took her to Mirzapur in the State of Uttar Pradesh, where she was kept for 15-16 days and thereafter, she was taken to a different village, where she was kept for 1 ½ months.
- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the prosecutrix (PW/1), Father of the prosecutrix (PW/2), Brother of the prosecutrix (PW/3) and Mother of the prosecutrix (PW/4) have not supported the prosecution case. Charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 12.05.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the evidence of the prosecutrix (PW/1), Father of the prosecutrix (PW/2), Brother of the prosecutrix (PW/3) and Mother of the prosecutrix (PW/4), they have not supported the prosecution case, charge-sheet has already been filed, detention period of the applicants, who are 20, 24 & 27 years old, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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:-

- (a) 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,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

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