

(2018) 05 CHH CK 0179

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3672 Of 2018

Rachana Rajwade And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 18, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 201, 363, 368, 370(a), 372, 376, 376D
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 4
- Juvenile Justice (Care And Protection Of Children) Act, 2015 - Section 75

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: CP Lahrey, PK Bhaduri

Final Decision: Allowed

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. This is second application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been

arrested in connected with Crime No.211/2016, registered at Police Station Kotwali, Outpost Rampur, District Korba (CG) for the offence punishable

under Sections 363, 368, 376, 376-D, 370, 370(a), 372/34, 201 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and

Section 75 of the Juvenile Justice Act.

3. The first bail application of the applicants vide MCRC No.4061 of 2017 was dismissed on 23.11.2017 along the bail applications preferred by Rajdas

S/o Ramdas vide MCRC No.4060 of 2017 and that of Vijay Shankar Dubey S/o Hoobnarayan Dubey vide MCRC No.4264 of 2017.

4. The accused persons have allegedly pushed the prosecutrix into the flesh trade on the pretext that she is taken to Banaras for doing the job of

catering services. At Banaras, she was staying with co-accused Vijay Shankar Dubey and it was this accused, who also came to Korba, met

applicant Rachna Rajwade, aunt of the victim, and planned to take the victim with him for going to Banaras. At Banaras and at other stations also,

several persons including accused Akash Sharma, Umesh Sharma and Vijay Shankar Dubey committed forcible sexual intercourse with the

prosecutrix, who is less than 18 years of age. As against the present applicants, it is alleged that applicant Shilvi Meri Rajwade @ Saiki used to

accompany the victim to various stations and was working as an agent to applicant Smt Rachana Rajwade to collect the amount from the clients.

5. Since after rejection of the applicants' earlier bail application along with other bail applications of co-accused Rajdas and Vijay Shankar Dubey, co-

accused Rajdas has been allowed bail by the Supreme Court vide order dated 3.4.2018 in Special Leave to Appeal (Criminal) No.2077/2018 and co-

accused Vijay Shankar Dubey has been allowed bail by this Court on 4.5.2018 vide MCRC No.2963 of 2018.

6. In view of this change in the circumstances, the present bail application deserves to be and is hereby allowed.

7. Accordingly, the application is allowed and the applicants are directed to be released on bail on their executing a personal bond for a sum of

Rs.25,000/- with one surety each for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each

and every date given by the said Court.

8. Certified copy as per rules.