
(2014) 12 CHH CK 0018
In the Chhattisgarh High Court
Case No : M.Cr.C. (A) No. 1106 of 2014

Ranvijay Singh

APPELLANT

Vs

State of C.G.

RESPONDENT

Date of Decision : 15-12-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 164, 438
Penal Code, 1860 (IPC) — Section 34, 363, 366-A, 370, 370(5)

Citation : (2015) 1 CGLJ 605

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Abdul Wahab Khan, Advocates for the Appellant; Anant Bajpai, Panel Lawyer, Advocates for the Respondent

Judgement

Sanjay K. Agrawal, J.—The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 319 of 2013, registered in Police Station Katghora, District Korba (CG), for offence punishable under Sections 363, 366-A, 370/34 of the IPC. Case of the prosecution is that co-accused Philomina Lakda took four girls namely Jaimuni Minj, Gayatri, Savita and Ramamuni to New Delhi in the month of March, 2004 and handed over them to co-accused Silvanti Chouhan and after some time three girls Gayatri, Savita and Ramamuni were brought back to Pathalgaon, by their fathers, but Jaimuni Minj was handed over to present applicant Ranvijay Singh by co-accused Silvanti Chouhan and Jaimuni Minj stayed in the house of present applicant Ranvijay Singh as maid servant till the report was lodged by her father on 23-11-2013 and registration of First Information Report in Police Station on 29-11-2013. On the basis of the FIR, offence under Sections 363, 366-A and 370/34 of the IPC was registered against the present applicant.

2. Mr. Abdul Wahab Khan, learned counsel appearing for the applicant would submit that the present applicant has not committed any offence, he is working

as a Senior Manager in a company Sony Private Limited, Jaimuni Minj was working as maid servant in his house and she was not exploited by the present applicant or his family members which is evident from her statement under Section 161 of the Cr.P.C. He would further submit that there is no evidence to connect the present applicant with the crime in question, he has been falsely implicated in the instant case, therefore, the benefit of anticipatory bail may be extended to him.

3. Per contra, Mr. Anant Bajpai, learned Panel Lawyer appearing for the State opposing the bail application would submit that at the time of commission of offence, age of Jaimuni Minj was 14 years, therefore, by virtue of Section 370(5) of the IPC, the present applicant should not be given the benefit of anticipatory bail.

4. The allegation leveled against the present applicant is that he kept Jaimuni Minj with him and exploited her and thereby committed the offence punishable under Section 370 of the IPC.

5. The question that falls for consideration is whether the present applicant is entitled for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with offence of trafficking of a person under Section 370 of the IPC? Section 370 of the IPC reads thus:--

"370. Trafficking of person--(1) Whoever, for the purpose of exploitation (1) recruits, (b) transports, (c) harbours, (d) transfers or (e) receives, a person or persons by using threats, or using force, or any other form of coercion, or by abduction, or by practicing fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking".

6. Jaimuni Minj was examined by the Judicial Magistrate First Class, Katghora on 30-12-2013 in which she stated that she was working in the house of the present applicant and when she expressed her willingness to go back to her house, the applicant tried to contact co-accused Silvanti Chouhan, who had brought her to the house of the applicant, but he could not succeed to contact Silvanti Chouhan, therefore, Jaimuni Minj could not go back to her house. Jaimuni Minj has further stated in paragraph 6 of her statement that so long as she stayed in the house of the applicant, she was treated fairly as his family member and she looked after the children of the applicant. Neither he exploited her nor he misbehaved with her. She was brought back to her house by the Police on 26-12-2013. She made a similar statement in her statement recorded under Section 161 of the Cr.P.C. also.

7. If the statement of Jaimuni Minj recorded under Section 164 of the Cr.P.C. is taken on its face value, it reveals that the applicant was taking household work from her and he treated her fairly as his family member and there is no reason

to disbelieve the statement of Jaimuni Minj aged about 22 years which was made before the Judicial Magistrate First Class, Katghora. In the considered opinion of this Court, the act of the applicant of taking household work from Jaimuni Minj. It cannot be held that applicant exploited Jaimuni Minj.

8. Learned counsel appearing for the applicant placed reliance on the order dated 23-4-2013 passed in Cr. M.P. No. 1129 of 2011 between Vikram Sinha and State of Jharkhand in which it has been held that act of taking household work from a girl will never fall within the purview of Section 370 of the IPC.

9. Taking into consideration the facts and circumstances of the case and the statement of Jaimuni Minj, aged about 22 years, recorded under Section 164 Cr.P.C., considering the decision in Vikram Sinha (supra) and further taking into consideration that the applicant was taking household work from Jaimuni Minj, I am of the considered opinion that prima facie, it is a fit case where the present applicant can be extended the benefit of anticipatory bail. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:--

(i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

(ii) that the accused/applicant 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/her from disclosing such facts to the Court or to any police officer;

(iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

It is made clear that observations made hereinabove are only for the purpose of considering the application for grant of anticipatory bail.