

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3753 of 2016

- Tanishka Ghosh D/O Rajendra Kumar Ghosh Aged About 19 Years
R/O G-09/95, Sector-15, Rohni, New Dehli

---- **Applicant**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Tikrapara, Raipur, Chhattisgarh

--- **Respondent**

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30-04-2016 in connection with Crime No. 162 of 2016, registered at Police Station Tikrapara, Raipur (CG) for the offence punishable under Sections 3, 4, 5, 7 & 8 of the Prevention of Immoral Trafficking Act 1956 (for short, "the Act, 1956).
2. As per prosecution case, on 30-04-2016, on information being received that at Harsh Villa Devpuri, business of prostitution is being carried on, a raid was conducted in the house wherein two girls namely Taniskha Ghosh (present applicant) and Sheik Shehener along with other persons were found in objectionable condition and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that no allegations have been attributed to the applicant and the applicant has been falsely implicated on the basis of call details which also

require to be proved and at best the case would fall under Section 7 of the Act, 1956. He would further submit that charge-sheet has been filed in this case, she is in jail since 30-04-2016 and no further evidence is required, therefore, she may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents from which it appears that the applicant was caught red-handed when the raid was made in the house.
6. Perused the statements of witnesses Abdul Saleem, Sheik Nasir, Mohd. Riyaz which would show the call details and presence of the applicant and she was caught red-handed on the spot when the raid was made in the house and the girls were found in objectionable condition. Therefore, at this stage, whether the case would fall under Section 7 of the Act, 1956, is to be adjudicated during trial.
7. Taking into consideration the facts and circumstances of the case, nature of offence and larger ramification in the society and its impact, the manner in which the offence has been committed, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju