

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5164 of 2016

1. Shivaji Prasad Gupta, S/o. Bharat Prasad Gupta, aged about 63 years, R/o. Shastri Market Kesri, Lodge Power House, Bhilai, P.S. - Chavni, Durg, District Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station- Chavni, Durg, District – Durg (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Arun Kochar, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.404/2016, registered at Police Station – Chavni, Durg , District – Durg (C.G.) for the offence punishable under Section 3, 4, 5 Prevention of Immoral Traffic Act.
2. Case of the prosecution, in brief, is that on 02.07.2016 in Apna Kesari Lodge, which was being run by the present applicant a raid was conducted and it was found that the lodge was being used for prostitution and according to the trap made Rs.500/- was recovered from the possession of the applicant, which was given by one of the pointer, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant is the owner of the lodge, however, he was not involved in the crime. It is

further submitted that the applicant is aged about 65 years of age and he was admitted in the hospital and the offence is triable by JMFC. It is further submitted that charge sheet in this case has been filed and the applicant is in jail since 02.07.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the medical document, which was placed on record, which shows that the applicant was admitted in Govt. District Hospital. Subsequently he was admitted to the B.M. Shah Hospital, Bhilai and he was continuously being treated. Considering the ailment and the age of the applicant and further taking into the fact that charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge