

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6730 of 2016

Nishith Tiwari, S/o. Shri Dinesh Tiwari, Aged About 41 Years, R/o. Near Railway Station Baradwar, Tahsil Sakti, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Balco Nagar, Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shashi Bhushan Singh Patel, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.11.2016

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 in connection with Crime No.255/2016 registered at Police Station- Balco Nagar, District Korba (C.G.) for the offence punishable under Section 3, 4, 5 & 8 of Prevention of Illicit Trafficking Act (PITA) Act.
2. As per the prosecution case, on information received that the present applicant alongwith other co-accused Santosh Sahu, Smt. Santoshi Shrivastava, Kranti Chouhan & Sunita Chouhan were running a prostitution racket in the house of Housing Board Colony, a pointer was appointed as a fake customer and the amount was paid and the applicant was also found in the house in an objectionable circumstances; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no offence has been

committed by him. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 17.09.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statements. Considering the facts and circumstances of the case and taking into fact that the charge sheet has been filed and the applicant is in jail since 17.09.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge