

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 2398 OF 2017

1. Nishant Shrivastava S/o Shri D.P. Shrivastava aged about 35 years
 2. Shruti Shrivastava W/o Nishant Shrivastava aged about 33 years
- Both are residents of Risaipara near Jamat Khana Dhamtari Tehsil and District Dhamtari Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Police Station City Kotwali District Dhamtari Chhattisgarh.

---- Non-applicant

And

M. Cr. C. No. 3921 OF 2017

1. Sanjay Dhruv S/o Shankarlal Dhruv aged about 26 years caste Gond R/o village Tumdabahar (wrongly mentioned as Tumhabahr in the rejection order) Post Office and Police Station Rudri District Dhamtari Chhattisgarh
2. Mukesh Kumar Sahu S/o Chowaram Sahu aged about 23 years R/o village Gokulpur Dhamtari Post Office and Police Station Dhamtari District Dhamtari Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through the Station House Officer Police Station City Kotwali District Dhamtari Chhattisgarh.

---- Non-applicant

For Applicants : Mr. Rakesh Pandey and Mr. R.K. Pali, Advocates.

For Non-applicant : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2017

1. Above mentioned two bail applications arising out of a common Crime No. 100/2017 registered at Police Station City Kotwali,

District Dhamtari (C.G.) for the offence punishable under Sections 3, 4, 5 of the Prevention of Immoral Traffic Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. As per the prosecution case, on an information received that the Nishant Shrivastava and Shruti Shrivastava are running business of prostitution in their house. Therefore, a raid being conducted by the police, in which, Sanju Dhruv and Mukesh Kumar Sahu alongwith two girls were found in the said house. There are some incriminating articles were also found in the said house.
3. Learned counsel for the applicants would submit that all the allegations are false in nature and no offence has been committed by the present applicants. He would further submit that applicants have been falsely implicated in the case and no further investigation would be necessary. He would lastly submit that the applicants are in jail since 22/03/2017 and the charge-sheet has been filed, therefore, they may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Taking into consideration the fact that the charge-sheet has already been filed; the offence is triable by Judicial Magistrate First Class and the applicants are in jail since 22/03/2017, considering their detention, I am inclined to release the applicants on bail.
6. Accordingly, bail applications i.e. MCRC Nos. 2398/2017 and 3921/2017 filed under Section 439 of the Code of Criminal Procedure are allowed.

7. It is directed that applicants, namely, Nishant Shrivastava, Shruti Shrivastava, Sanju Dhruv and Mukesh Kumar Sahu shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Vacation Judge

Yogesh