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HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3739 of 2017**

- Jaspal Singh Thakur S/o Shri Balram Sing Thakur. Aged About 34 Years R/o Chandmari, Raigarh District- Raigarh (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Officer In Charge Of Police Station- Chakradhar Nager, Raigarh, District- Raigarh (Chhattisgarh)

---- Respondent

For Applicant : Shri Roop Naik, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.98/2016 registered in Police Station Chakradhar Nagar, Raigarh, Distt. Raigarh (CG) for the offence punishable under Sections 3, 4 & 5 of the Immoral Traffic (Prevention), Act 1956.

3. Learned counsel for the applicant submits that the applicant has been arrested on 07.5.2017, after investigation, concerned police has filed charge sheet against four accused persons including present applicant, which is pending as Criminal Case No.340/17 before Chief Judicial Magistrate, Raigarh. Learned

counsel for the applicant submits that co-accused Rohit Yadav and Chhoti Yadav, who were allegedly keeping a brothel, allowed premises to be used as a brothel for living on the earnings of the prostitution, have already been granted bail by the Coordinate Bench of this Court on 14.6.2017 in M.Cr.C. No.3824/2017. Another co-accused Sevti Yadav against whom the charges under Section 4 of the Act has been levelled in the chargesheet is still in custody and as per the information she has not preferred any petition for her release on bail. Charges against the present applicant is that he was found inside the brothel along with co-accused. Two main accused were already granted bail and the case of the present applicant is relatively better than those co-accused. The applicant is the first offender, he will not commit any offence in future, hence, he may be granted bail during trial.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant and would submit that at the time of the investigation by the concerned police the applicant caught red handed along with co-accused in a objectionable position and from the applicant Rs.200/-, one mobile phone and unused condoms were seized. Hence, looking tot the entire role of the applicant, the application may be dismissed. But he fairly submits that there is o criminal antecedent reported against the applicant prior to this incident.

5. Perused the entire material.

6. The applicant is in custody since two months and five days, charge sheet has been filed, trial may take sometime, the applicant will not commit any offence in future, and as per the facts the co-accused who were running the so called brothel were granted bail by the Co-ordinate Bench of this Court, offence registered against the present applicant at the best may fall under Section 5 of the Act 1956. On due consideration of the entire facts, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or other offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two separate solvent sureties of Rs. 25,000/- to the satisfaction of Chief Judicial Magistrate, Raigarh for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in

view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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