

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4144 of 2017**

Shanaz Sheikh @ Jasmine D/o Sheikh Mukhtar Aged About 21 Years
R/o Uluberia, Sampu, District Howrah, Kolkata, West Bengal. Present
Address Lalsupda, Near East Masjid, Mumbai, Maharashtra.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Tikrapara, Raipur,
District Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. Reena Singh, Adv.
For Respondent/State	Mr. O.P. Sahu, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 30-4-2016 in connection with Crime No. 162/2016 registered in PS Tikrapara, Distt. Raipur (CG) for offence punishable under Section 3, 4, 5, 7 and 8 of the Immoral Traffic (Prevention) Act, 1956.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and registered as Criminal Case no. 8253/2016 in the Court of CJM, Raipur. Presently the matter is transferred and pending before the JMFC, Raipur. Charge sheet is filed against total 9 accused persons including present applicant. Thereafter supplementary charge sheet is also filed by the concerned police under Section 173 sub-section (8) of the Cr.P.C. wherein the police further investigated the matter and after collecting further evidence forwarded a further report to the concerned Magistrate regarding such evidence in the prescribed format. Out of total 9 accused persons, co-accused Khirod Choudhari who was the main

accused facing charges also under Section 8 of the Act of 1956 including other offence has been granted bail by the coordinate bench in MCRC No. 3386/2017. Co-accused Mohan Patel has been granted bail in MCRC No. 4414/2017 dated 21-7-2017. Co-accused Tanisk Ghosh was granted bail in MCRC No. 2258/2017 vide order dated 26-4-2017. Another co-accused applied for bail on 26-7-2017. Said matter is not yet admitted. Learned counsel is not aware of other 4 remaining accused persons. It is submitted that the applicant is in custody since long for more than a year. No criminal antecedent is reported by the police in the main charge sheet and also in the supplementary charge sheet. As per prosecution case, she was caught red handed for the allegation of prostitution. With this section 4 of the Act of 1956 is broadly applicable against the applicant. Case of Taniska and Mohan Patel is of similar nature. They too have been granted bail by the coordinate bench. Looking to the period of detention and as maximum punishment for Section 4 in the present matter is only two years hence the applicant may also be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and submits that the applicant is not resident of Raipur (CG). She is resident of Kolkata (WB) and presently resident of Mumbai. She came here and was living on the earning of prostitution. Looking to the said facts, instant MCRC may be dismissed.
5. Perused the entire matter.
6. On due consideration, as the applicant is in jail since 1 year, 2 months and 28 days till date, charge sheet has been filed, trial may take some time, similarly situated co-accused Taniska and Mohan Patel have been granted bail by the coordinate bench, case of the present applicant is similar to them and looking to the maximum sentence may be awarded for the allegation and as the applicant is not involved in

any offence earlier as per case diary, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the trial Court for her appearance before the said Court regularly as and when directed by the said Court.

7. 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: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge