

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5015 of 2017

- Dilip Kumar Manikpuri S/o Munshi Das Manikpuri, age 40 years, R/o Village Lingiyadih, P.S.- Sarkanda, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Mahila Thana Raipur, District- Raipur, Chhattisgarh

---- Non-applicant

And

MCRC No. 5261 of 2017

- Sunil Das S/o Uttam Das, age 27 years, R/o Village Lohrasi, Kharod, P. S. Shivrinarayan District Janjgir-Champa (Chhattisgarh) At Present Behind Colors Mall Amrpali Society P. S. New Rajendr Nager, Raipur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Thana Tikrapara Raipur District Raipur (Chhattisgarh).

---- Non-applicant

And

MCRC No. 5752 of 2017

- Mohan Das S/o Ishwar Das, aged 35 years, R/o Gol Chowk, Kabir Nagar, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-09-2017

1. As MCRC No.5015/2017, MCRC No.5261/2017 and MCRC No. 5752/2017 arise out of the same crime number and incident, all these three MCRC are being disposed of by this common order.

2. Learned counsel for the applicants would submit that applicant Dilip Kumar Manikpuri held arrested on 10-05-2016, applicant Sunil Das and applicant Mohan Das are arrested on 30th of April, 2016 in connection with Crime No.162/2016 by P.S. Tikarapara, Raipur, C.G. for the offence under Section 3, 4, 5, 7 and 8 of the Immoral Traffic (Prevention) Act, 1956 (in short 'the Act, 1956'). After investigation police had filed the charge sheet against total 9 accused persons which is presently pending before the CJM Raipur, C.G. as Criminal Case No.8253/16. Learned counsel for the applicants would further submit that following co-accused persons have been granted bail:-

Sl.No.	Name of co-accused	MCRC No.	Order date	Result
01.	Tanishka Ghosh	MCRC No.2258/2017	26-04-2017	allowed by the coordinate Bench,
02.	Khiroud Choudhari	MCRC No.3386/2017	23-06-2017	allowed by the coordinate Bench,
03.	Mohan Patel	MCRC No.4414/2017	21-07-2017	allowed by the coordinate Bench,
04.	Shanaz Sheikh @ Jasmine	MCRC No.4144/2017	27-07-2017	allowed by this Court.

Initially after filing of the charge sheet during trial out of total witnesses in the charge sheet 7 were examined out of 8 witnesses, thereafter, prosecution after further investigation filed supplementary charge sheet under Section 173(8) of the Cr.P.C. and collected further evidence and submitted the supplementary charge sheet before the concerned Magistrate in the matter, additionally cited 6 witnesses, with this, presently 7 witnesses are yet to be examined. The applicants are in custody since more than 1 year 4 months. The allegation over applicant Dilip Kumar Manikpuri is similar to co-accused Khiroud Choudhari and allegation against applicants Sunil Das and Mohan Das are similar to co-accused Mohan Patel. As per the allegation, applicant Dilip Kumar Manikpuri allowed his premises to be used as brothel, applicant Sunil Das and applicant Mohan Das were found in the said brothel under objectionable condition, i.e., for the charges under Section 5 of the Act, 1956. As aforementioned 4 accused

persons are granted bail on the basis of period of detention, trial is not yet concluded and material witnesses not supported the prosecution's case, this has been surfaced in the order passed by the coordinate Bench and also as prima facie co-accused Shanaz Sheikh was being tried for the offence under Section 4 of the Act, 1956 and also as other co-accused have been granted bail and the jail sentence in Section 4 of the Act, 1956 provided is maximum for two years, hence, it is submitted that as the case of the applicants are similar as aforementioned, the applicants may also be granted bail.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that knowingly well applicant Dilip Kumar Manikpuri gave his house to be used as brothel, other two applicants were found in objectionable condition as customer in the said brothel along with other co-accused, all the three MCRC may be dismissed, though fairly conceded that none of the applicants had earlier criminal antecedent.

4. Perused the entire material.

5. As the applicants are in custody since more than 1 year 4 months till date, trial is not yet concluded, as aforementioned Tanishka Ghosh, Khiroud Choudhari, Mohan Patel have been granted bail on the basis of their long detention, trial is not concluded, also co-accused Shanaz Sheikh has been granted bail as she had no any criminal antecedent and maximum jail sentence provided for Section 4 of the Act, 1956 is only two years and also as all the applicants are first offender, the case of applicant Dilip Kumar Manikpuri is similar to co-accused Khiroud Choudhari and the case of applicants Sunil Das and Mohan Das are similar to co-accused Mohan Patel who have been granted bail by the coordinate Bench, all the three applicants are permanent resident of State of Chhattisgarh, on consideration of the entire facts, I am inclined to grant one last opportunity to the applicants so that they shall not

involve themselves in any offence and shall live peacefully in society. Consequently, all the three MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the trial Judge for their appearance before the said Court as and when directed till trial.

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

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge