

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6539 of 2017

- Nirmal Kumar Peswani S/o Nevanram Peswani, Aged About 34 Years, R/o Village Amlideeh, Raipur, Tahsil and District Raipur, Chhattisgarh
- Prem Kukreja S/o Namdev Kukreja, Aged About 27 Years, R/o Village Amlideeh, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh

---- Non-applicant

And

MCRC No. 6668 Of 2017

- Pramod Kumar Shukla S/o Arun Shukla, Aged About 35 Years, R/o Opp. Maharshtia Bhawan, Choubey Colony, Raipur P. S. Sarswati Nagar Raipur Tahsil & District Raipur Chhattisgarh
- Dinesh Gawri, S/o Roshanlal, Aged About 34 Years, R/o H.No.14, Patrakar Colony, Phaphadih, Raipur P. S. Ganj Tahsil & District Raipur Chhattisgarh

---- Applicants

Vs

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---- Non-applicant

For Applicants – Shri P.P. Sahu, Advocate (in MCRC No.6539/2017),
Shri B.D.Guru, Advocate (in MCRC No.6668/2017).
For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

13-11-2017

1. As both the matters arise out of the same crime number, i.e., Crime Number No.404/2017 registered at Police Station City Kotwali Dhamtari, District Dhamtari, C.G. for the offence under Section 4, 5, 7 of Prevention of Immoral Traffic Act, 1956, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants.
3. It is submitted that the applicants have been falsely implicated in this case. The offence registered are triable by the JMFC. The applicants are in jail

since 3-10-2017. They are local residents and ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that the applicants were caught red-handed on the spot during commission of the said offence. Therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the case, police personnel of P.S. City Kotwali, Dhamtari had received information, reached at the spot and found that the applicants were found engaged in sexual activity with girl on the spot. The case has been registered, investigated and charge sheet has been filed.

7. Considering the submissions and the contents of the case diary and looking to this fact that the case is triable by JMFC, no purpose would be served if the applicants are detained till conclusion of the trial, and also as per the submission, co-accused in this case Mamta Jadhav has been granted bail by the trial Court, I am of this opinion that the applicants should be enlarged on bail.

8. Consequently, both the applications (MCRC No.6539/2017 and MCRC No.6668/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge