

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1263 of 2018

- Sukumar Jain S/o Shri Guljari Lal Jain, Aged About 61 Years, R/o.- Vinoba Nagar, State Bank Colony Police Station House - Tarbahar District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Ashok Verma and Shri Sourabh Dangi, Advocates.
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 31-01-2018 in connection with Crime No.5/2018 registered at P.S. Mahila Thana Bilaspur, District- Bilaspur, Chhattisgarh for the offence under Section 3, 4, 5, 6, 7, 9 of Immoral Traffic (Prevention) Act read with Section 365, 366 (b), 368, 370 of the IPC.

2. It is submitted on behalf of the applicant, that the applicant is innocent and he has been falsely implicated in this case. As alleged the applicant is owner of Siaura Thai Spa & Salon that was run in 36 Mall, Bilaspur, which is a totally false statement, on the contrary the applicant is working as Vice President of BEC Fertilizers of Bilaspur unit. No case is made out against him on the basis of material present in the case diary of this case. The applicant is in jail since 31-01-2018 and he is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that statement of one witness recorded in investigation shows that the applicant was hidden owner of the said spa which was raided by the police and further there is also evidence of witnesses who have stated that the applicant was the person who had forced the women for prostitution. Hence, no case is made out for grant of bail.

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

5. On the date of incident, police raided Amaya day spa and Siaura day spa being run at 36 Mall, Bilaspur where some women and men were found with objectionable articles. CSP Kotwali lodged the FIR in Mahila Thana Bilaspur and on that basis offences have been registered. The applicant was arrested later on on the basis of statements given by the witnesses.

6. Considered on the entire material present in the case diary. As the investigation is yet to take place and no such requirement has been shown by the State counsel regarding custodial interrogation of this applicant, neither there seems to be any purpose for his detention during period of investigation and trial against him, the applicant is local resident of District Bilaspur, hence, for these reasons, I am of this view that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge