

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1625 of 2018

- Narendra Tiwari @ Kuku S/o Awadhesh Tiwari, Aged About 25 Years, R/o Jhabar, in front of Deepika Government College, Korba, Police Station Deepika, District Korba Chhattisgarh, at present D/3, Chouhan Gali, Green Bela, Sirsa, Police Station Jevra, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri K.K. Singh, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-04-2018

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 04-02-2018 in connection with Crime No.05/2018 registered at P.S. - Mahila Thana, Bilaspur, District Bilaspur, Chhattisgarh for the offence under Section 3, 4, 5, 6, 7 & 9 of Prevention of Immoral Trafficking Act and Section 365, 366-B, 368 & 370 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 04-02-2018 and the investigation is still pending. No case is made out against this applicant according to the investigation made so far. The only evidence on which the investigating agency is relying upon is the memorandum statement given by this applicant, which is not legally admissible. Apart from that, none of the witness have made any statement against him. Hence, it is prayed that this applicant may be granted regular bail.

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

and submits that according to the memorandum statement given by this applicant investigation is being conducted and there is all likelihood that evidence shall be collected against him, hence, he is not entitled for grant of bail.

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

5. A raid was conducted by police personnel of P.S. Mahila Thana, Bilaspur in the 36 City Mall in Amaya Day Spa and it was found that some foreigner girls were brought there for the purposes of prostitution. Arrest of the said girls and some other boys was made from the spot. During investigation this applicant was apprehended and he has given the memorandum statement, in which, he had made some admission that he is engaged in supplying the girls for prostitution.

6. Upon perusal of the case diary, it appears that police has not succeeded in recording the statement of any witnesses so far to support the memorandum statement given by this applicant, the memorandum statement itself is not admissible before Court, hence, I am inclined to grant bail to this applicant.

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