

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1931 of 2018

1. Abhishek Chandrakar S/o Shri Hemant Kumar Chandrakar, Aged About 26 Years, R/o - Village Nara, P.S. Mandir Hasoud District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Toshan Chandrakar S/o Shri Basant Kumar Chandrakar, Aged About 23 Years, R/o - Village Nara, P.S. Mandir Hasoud, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Tumgaon, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Jitendra Nath Nande, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-03-2018

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 applicants for grant of regular bail. The applicants have been arrested on 27-02-2018 in connection with Crime No.39/2018 registered at P.S. Tumgaon, District- Mahasamund, Chhattisgarh for the offence under Section 3, 4, 5 & 7 of the Immoral Traffic (Prevention) Act 1956.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Both the applicants were arrested only for the reason that they were found on the spot of incident. The applicants have committed no offence under Section 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, at the most offence that can be made out is under Section 7 of the Immoral Traffic (Prevention) Act, 1956, which is punishable with maximum imprisonment of three months. Hence, it is prayed that the applicants may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident, police personnel of P.S. Tumgaon raided the spot of incident on receiving confidential information that some prostitution is going on. The applicants were found on the spot, hence, they were arrested along with other accused persons.
6. Considered on the submissions made and contents of the case diary.
7. The case is still under investigation, the case is triable by JMFC, the applicants are in jail since 27-02-2018 and no custodial interrogation is required to be made from these applicants, hence, I am of this view that the applicants deserve to be released on bail during pendency of the trial against them.
8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is 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