

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2098 of 2018

1. Jaswant Nirmalkar S/o Sewak Ram Nirmalkar Aged About 34 Years
 2. Mohan Nirmalkar S/o Late Devnath Nirmalkar Aged About 24 Years
- Both are R/o- Village- Tumgaon, Police Station- Tumgaon, Tashil And District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

MCRC No. 1824 of 2018

Durgesh Choudhary S/o Chudamani Choudhary Aged About 19 Years R/o- Village-Jalki, Police Station- Tumgaon, Tahsil And District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

MCRC No. 1884 of 2018

1. Kripashankar Patle S/o Bakshu Patle Aged About 35 Years
 2. Rakesh Kumar Patle S/o Baburam Patle Aged About 25 Years
- Both R/o Village Bhejaridih, Thana Kharora, Tahsil Tilda, District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

MCRC No. 2094 of 2018

Kamlesh Nirmalkar S/o Om Prakash Nirmalkar Aged About 23 Years Occupation Driver, R/o Azad Chowk Para Arang, Thana And Tahsil Arang, District Raipur Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

MCRC No. 2099 of 2018

1. Narayan Das Vaishnav S/o Deva Das Vaishnav, Aged About 35 Years
2. Sheikh Jakiruddin S/o Sheikh Jahiruddin Aged About 23 Years,
Both are R/o- Village- Mohmela, Police Station- Arang, Tahsil- Arang,
District- Raipur, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

MCRC No. 2106 of 2018

Horilal @ Hatkeshwar Dhiwar S/o Hari Ram Dhiwar Aged About 26 Years R/o-
Village Khairjithi Police Station- Tumgaon, Tahsil And District- Mahasamund,
Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

MCRC No. 2186 of 2018

Motilal Vishwakarma S/o Late Shri Ramnath Vishwakarma Aged About 27
Years R/o- Village- Bajrang Chowk Paragaon, Police Station- Arang, Tahsil-
Arang, District- Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

MCRC No. 2213 of 2018

1. Nanki @ Bhuri Bai W/o Mangal Singh Aged About 45 Years, R/o-
Village- Tumgaon, P.S. Tumgaon, Tahsil And District- Mahasamund,
Chhattisgarh.
2. Soniya Yadav W/o Manish Yadav Aged About 20 Years R/o- Village-
Murrabhatthi, Raipur, Tahsil- Raipur, District- Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- P.S. Tumgaon, District- Mahasamund,
Chhattisgarh.

---- Respondent

AND

MCRC No. 1963 of 2018

Anand Ram Patel S/o Rooplal Patel Aged About 46 Years R/o- Village- Malidih,
Police Station- Tumgaon, Tahsil And District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station-
Tumgaon, Tahsil And District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Gurudev I. Sharan, Mr. Vikash Pradhan
Mr. Mayank Chandrakar, V.K. Pandey,
Advocates

For Non-applicant/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-03-2018

1. All the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are first bail applications 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 Prevention of Immoral Trafficking Act 1956.
3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. All 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.

4. Learned counsel for the State/non-applicant opposes the application.
5. Heard learned counsel for the parties and perused the case diary.
6. 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.
7. Considered on the submissions made and contents of the case diary.
8. 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.
9. Consequently, the applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Balram