

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 878 of 2019**

Jayesh Varu, aged about 45 years, S/o Shri Dhanji Bhai Varu, R/o Jai Hind Vihar Colony, Sector-3, Shivanand Nagar, Shrinagar, P.S. Khamtarai, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Azad Chowk, District Raipur (CG). **---- Non-applicant**

For Applicant : Mr. Akash Kundu & Mr. Anchal Kumar Matre, Advocates
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.25/2019 registered in Police Station Azad Chowk, District Raipur for the offence punishable under Sections 4, 5, 7 of Immoral Traffic (Prevention) Act.
3. Case of the prosecution, in brief, is that on 20.01.2019, C.S.P. Nasar Siddiqui, Azad Chowk, Raipur received an information from informant that in Hotel Recharge, the business of prostitution was running. The present applicant is a Manager of the said hotel. A person namely Manish Mishra is made as a pointer. Three notes of denomination of Rs.500/-, number 11C3875797, 5SD320673 and 0AP039791 were given to the said pointer to give procurer. The said pointer went to the hotel and told to the applicant to provide girl in lieu of that, the applicant received an amount of Rs.1,500/- from him. He was talking with a girl namely Ashwani Deshmukh in room No.206. The police party raid the hotel and seized three notes of denomination of Rs.500/- bearing the same numbers from the applicant.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE