

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2727 of 2019**

- Sunil Sukhramani S/o Nandlal Sukhramani, Aged About 38 Years R/o Amlidih, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Civil Line, Raipur Chhattisgarh

---- Non Applicant

For the Applicant : Mr. Kishore Bhaduri, and Mr. Pawan Kesharwani
Advocates

For Non Applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07.05.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.23/2019 registered at Police Station- Civil Lines, District- Raipur(C.G.) for the offence punishable under Sections 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956.
3. Case of the prosecution in brief is that on 10.01.2019, the Police Station Civil Line, Raipur received an information that in Jara Spa Center situated at Bus Stand Shyam Plaza Complex, Raipur in the garb of the spa, prostitution was running. The manager of the said Spa was the co-accused Ankaj Kumar Singh. A person namely Avinash K. Mishra is made as a pointer. Four notes of denomination of Rs.500/-, 4D.J. 302141, 4D.E. 302142, 4D.E. 302143, 4D.E.302144 were given the said pointer. A party was constituted. Pointer Avinash K. Mishra went to said Spa Center. He had given Rs.2,000/- to the co-accused Ankaj Kumar Singh to provide a girl. The said pointer was found in a room along with applicant Megha Dhimiray. In another room, applicants Pinki Mishra and Anil Kumar Gupta were found in half-naked state. In another room, applicants Asther Jasmine and Yamik Tabha were found waiting for customers. From the possession of the applicants, the said number notes were seized. The accommodation of Jara Spa Center was operated by applicant.
4. Counsel for the applicant submitted that the name of applicant is not find place in FIR, he is in jail since 04.04.2019, he drew my attention on the photocopy of alleged tendency agreement dated 17.03.2018 wherein, it has been mentioned that tenant was Jara Spa through proprietor Hitesh Chouhan, the photocopy of registration under Shop and Establishment Act, wherein it has been mentioned that employer of wellness and salon is Hitesh Chouhan.
5. As per the Spot Panchnama, Spa Center was operated by applicant and co-accused Ankaj Kumar Singh. As per the letter written by Rampratap Singh for Shyam Plaza he had rented the shop to applicant.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedent against the applicant in police case diary.
7. Counsel for the applicant further submits that one witness of Spot Panchnama Yugal Prasad is not the resident of near to Shyam Plaza.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge