

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5344 of 2019**

Jayesh Varu S/o Shri Dhanji Bhai Varu Aged About 45 Years R/o Jai Hind Vihar Colony, Sector 3, Shivanand Nagar, Shrinagar, Police Station Khamtarai, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Azad Chowk, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Devershi Thakur, Advocate
For the State	:	Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/09/2019**

1. This is the third bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was rejected by this Court on 19/02/2019 in MCRC No. 878/2019 considering *prima facie* case against him. His second bail application was rejected by this Court on 16/04/2019 in MCRC No. 2411/2019 considering *prima facie* case against him.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.25/2019 registered at Police Station Azad Chowk, District Raipur (C.G.) 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 he is innocent and falsely implicated in the present case. He further submitted that in the case in hand pointer and two seizure witnesses have turned hostile, thus he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. Mere turning hostile of some witnesses including pointer and seizure is itself not a sufficient ground to enlarge applicant on bail.
7. While deciding the bail application Court neither can scrutinize the evidence nor appreciate the evidence.
8. Looking to the above mentioned facts and circumstances of the case, *prima facie* materials available on record against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society this Court finds that it is not a fit case where applicant may be released on bail in third round of litigation.
9. Consequently, third bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge