

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5253 of 2019**

1. Smt. Geeta Soni W/o Hemkumar Soni Aged About 33 Years R/o Gobra Nayapara, District Raipur Chhattisgarh
2. Smt. Kiran Sharma (Sahu) W/o Late Narendra Sahu Aged About 33 Years R/o Amlidih, Police Station New Rajendra Nagar, District Raipur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, District Raipur Chhattisgarh

-----Non Applicant

For the Applicants : Mr. Soumitra Kesharwani, Advocate

For Non Applicant : Mr. Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.08.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicants was rejected by this Court by order dated 19.06.2019, considering prima facie case against them.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.177/2019 registered at Police Station- New Rajendra Nagar Distt. Raipur,(C.G.) for the offence punishable under Sections 4, 5, 7 of Prevention of Immoral Trafficking Act,1956.
4. Case of the prosecution, in brief is that Krishna Kumar Patel posted as

CSP at Purani Basti, Raipur on 04.05.2019 received information that applicant Kiran Sharma is operating sex racket at Impresia Colony, Amlidih. To raid, a team was constituted. Pointer Amit Kumar Jain was given 4 notes of Rs.500/- denomination with specific numbers. Pointer met with applicant Kiran Sharma. Applicant Kiran Sharma sent him to applicant Geeta Soni. He gave Rs.2000/- to applicant Geeta Soni for deal for providing a prostitute. Bearing same number of notes were seized from applicant Geeta Soni. In the house of applicant Kiran Sharma, co-accused Nisha Khan, Taj Noushad were also present who were committing prostitution. During the investigation it was found that applicant Geeta Soni was also participating in dealing for providing the girls.

5. Counsel for the applicants submitted that no sufficient evidence is available in the charge sheet. Carrying a condom is not a offence. There was no spot witness. He further drew my attention in Para 70 of the charge sheet and further submitted that mobile No.9827407075 from which the deal was done, not seized by the police. Thus, applicants may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. Looking to the entire material available on case diary, looking to the facts and circumstances of the case, looking to the prima facie evidence available on record against the applicants, this Court is not inclined to release the applicants on bail in second round of litigation. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge