

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5528 of 2019**

- Smt. Gouri Yadav W/o Rajesh Yadav Aged About 42 Years R/o Deepak Nagar, Green Chowk, Police Station Mohan Nagar, Durg District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kabir Nagar, Raipur, District Raipur Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Tarendra Kumar Jha, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.09.2019**

1. This is the 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.128/2019 registered at Police Station- Kabir Nagar, Raipur District- Raipur(C.G.) for the offence punishable under Sections 363(A), 370(A), 376 r/w 34 of Indian Penal Code and Section 4, 17 of Protection of Children from Sexual Offences Act and Section 3 Prevention of Immoral Traffic Act.
3. Case of the prosecution, in brief is that co-accused Mukku Verma was trapping the girls in love affair. Co-accused Mukku Verma, Asha

Verma, Payal Sahu, Amarjeet Kaur and applicant were operating the sex racket. The said co-accused used to get wrong work from the girls.

4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case. He further submits that the date, month and year, regarding entering into the house of applicant is not mentioned anywhere in the charge sheet. Memorandum of applicant is not admissible in evidence. Co-accused Srikant Tiwari and Sajjan Kumar have been released on bail by this Court. Thus, applicant may be released on bail.
5. The case of co-accused Srikant Tiwari and Sajjan Kumar is totally different from that of the applicant. There is no allegation against the co-accused Srikant Tiwari and Sajjan Kumar regarding operating the sex racket.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
7. 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.

Sd/-

(Sharad Kumar Gupta)
Judge

PM