

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**RESERVED ON 21-11-2019****DELIVERED ON 22-11-2019****MCRC No. 7097 of 2019**

- Priyanka Agrawal W/o Ravi Agrawal Aged About 49 Years R/o Himalayan Heights Block No. 03, HIG-105, Deopuri, P. S. New Rajendra Nagar, Raipur District Raipur Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through P. S. New Rajendra Nagar, Raipur District Raipur Chhattisgarh

---- Respondent

For applicant	Mr. Abhishek Vinod Deshmukh, Adv.
For non-applicant/State	Mr. Ravi Maheshwari, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**CAV PRDER**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His 1st bail application bearing MCRC No. 383/2019 was dismissed on merit vide order dated 21-2-2019.
2. The applicant has been arrested in connection with Crime No. 269/2018 registered in police station New Rajendra Nagar, Distt. Raipur for offence punishable under Section 306, 370 of IPC, Section 67A of Information Technology Act and Section 3 and 4 of Immoral Traffic (Prevention) Act, 1956.
3. Prosecution story in brief is that one deceased Mitali Hembrome had told the complainant that she is member of sex racket operated by applicant. Complainant met applicant with deceased on 22-10-2018. Applicant compelled her to join prostitution otherwise she will defame her. Applicant was sending complainant for prostitution to different customers. Due to harassment by the applicant deceased Mitali committed suicide. Applicant was keeping girls on her rented house.
4. Counsel for the applicant submits that no prima facie case is made out against the applicant. P.W. 3 complainant Puja Das was examined by the trial Court and did not support the prosecution case. He drew my attention on para 11, 12, 13 of certified copy of statement of P.W. 3 Puja Das. He further submitted that other two witnesses have turned

hostile. He further submitted that applicant is suffering from cataract and advised to undergo operation. In these circumstances, applicant may be released on bail.

5. Counsel for the applicant placed reliance on the decision of Hon'ble Supreme Court in the matter of **Madan Mohan Singh -v- State of Gujrat and another** [2001 (1) CGLJ SN 2] and decision of coordinate bench of this Court in the matter of **Darshan Mugutwar -v- State of CG** [2015(1) CGLJ 479], and a decision of coordinate bench of this Court in the matter of **Tirath Ram Sahu -v- State of CG** [2015(1) CGLJ 593].
6. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant.
7. **Madan Mohan Singh's** (supra) case deals with the matter under Section 482, Cr.P.C. **Tirath Ram Sahu's** (supra) case deals with an application under Section 389 of Cr.P.C. Moreover in the matter of **Madan Mohan Singh** (supra), **Tirath Ram Sahu** (supra) and **Darshan Mugutwar** (supra), no legal principal has been laid down which is binding upon this Court in bail matter.
8. Moreover, P.W. 3 Puja Das had stated against the applicant in para 3. Moreover in the case in hand, some other witnesses including material witness Priyanka Haldhar is to be examined.
9. Moreover, this is well settled legal position that at this stage Court can neither scrutinize the evidence nor appreciate it.
10. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in second round of litigation.
11. Consequently, this 2nd bail application is rejected.
12. However, jail authority is directed to provide medical aid for treatment of cataract to the applicant.

Sd/-
(Sharad Kumar Gupta)
Judge