

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5399 of 2020**

- Abhishek Dhawal aged 27 year S/o Dhananjoy Dhawal, R/o Suvidha Lodge Power House, Bhilai, Tahsil and District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through-Station House Officer, Police Station Chhawani, District Durg, Chhattisgarh

---- Respondent

And**MCRC No. 5403 of 2020**

- Anika Khan aged 26 year, D/o Raju Khan, R/o Mondgandh, Kaiskhali Rajrahat Gopalpur, District Uttar 24 Pargana, West Bengal (wrongly mention as West in the impugned order)

---- Applicant

Versus

- State Of Chhattisgarh Through-Station House Officer, Police Station Chhawani, District Durg, Chhattisgarh

---- Respondent

And**MCRC No. 5728 of 2020**

- Sunny Choudhary S/o Ajay Choudhary, aged about 19 years, R/o Zone-3 Durga Mandir, Kabir Mandir Chowk, Khursipar, Bhilai Tahsil/District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, Durg, District Durg, Chhattisgarh

---- Respondent

For Applicants	:	Shri Rajendra Kumar Patel and Shri Ganesh Ram Barman, Advocates.
For Respondent	:	Shri Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board**

24.09.2020

- 1.** The matter is heard through video conferencing.
- 2.** Since, the aforesaid bail applications arise out of same crime number, they are being heard and disposed of by this common order.
- 3.** The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.372/2020 registered at Police Station – Thana Chhawani, District Durg (C.G.) for the offence punishable under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956.
- 4.** The prosecution story, in brief, is that police of police station Chhawani received a secret information from the informant about business of prostitution running in Suvidha Lodge Power House, Bhilai. Based on this, on 11.07.2020 the police official acted upon and sent a person (pointer) to the spot and on information as given by the pointer the police official conducted raid and found the present applicants and other persons indulged in business of prostitution. Based on this, the offence has been registered. The applicants in MCRC Nos.5399/2020, 5403/2020 are in custody since 12.07.2020 and applicant in MCRC No.5728/2020 is in custody since 11.07.2020.
- 5.** Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Hon'ble Court. He also submits that as the

applicants are in jail for three months, offence is triable by Judicial Magistrate First Class and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.

6. On the other hand, counsel for the State opposes the bail applications.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the present applicants are in custody since 11.07.2020 and 12.07.2020, the offence is triable by Judicial Magistrate and the disposal of case may take some time, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with two sureties each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
9. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge