

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 238 of 2021

1. Smt. Seema Shriwas W/o Deepak @ Daras Shriwas, Aged About 40 Years, Resident Of Gate No. 2, Basant Vihar Colony, Chhat Talab, Police Station Khamtarai, Raipur, Tahsil And District- Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, District- Raipur (C.G.).

---- Respondent

For Applicant	: Mr. Krishna Kumar Dewangan, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, Penal Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/01/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 28/12/2020 in connection with Crime No. 633/2020 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence under Sections 3, 4 & 5 of Immoral Traffic (Prevention) Act, 1956.
- 2) Allegation against the applicant is that on 28/12/2020 the City Superintendent of Police, Urla after receiving secret information that the applicant is illegally running brothel in her residential house, sent the pointer and witnesses to the house of the applicant and after getting signal from pointer, the Police party reached the spot and found one male and two female in objectionable position in the room. On being inquired, they disclosed that the present applicant is running brothel in her house. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is suffering from kidney disease and has recently undergone kidney transplantation. She is required to have dialysis as she is suffering from HTN, Hypothyroidism, CKD – ESRD. He submits that the applicant has no criminal antecedents, she is in jail since 28/12/2020 and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the fact that she has no criminal antecedents as admitted by both the counsels, she is suffering from kidney disease and is required to have regular treatment as also dialysis twice weekly as per copy of medical certificate (Annexure A-2), there is no likelihood of her tampering with the evidence or absconding, and fact that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, she shall be released on bail on the following conditions:-
 - i. she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such fact to the Court,
 - ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,

iv. she shall not involve herself in any offence of similar nature in future.

7) Certified copy today itself.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant