

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1760 of 2021**

Priyanka Agrawal, aged about 50 years, W/o Ravi Agrawal, Resident of Himalayan Heights, Block No. 3, HIG 105, Deopuri, P.S. New Rajendra Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, through: Police Station New Rajendra Nagar, District – Raipur (C.G.)

----Non-applicant

For Applicant	:	Mr. Abhishek Vinod Deshmukh, Advocate
For Non-applicant	:	Mr. D.P. Singh, Dy. Advocate General.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board**

31.05.2021

- (1) Proceedings of the matter have been taken up through Video Conferencing.
- (2) The accused/applicant has moved this *third* bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 269/2018 registered at police Station New Rajendra Nagar, District – Raipur (C.G.) for the offence punishable under Sections 306 & 370 of the Indian Penal Code and Section 67-A of the Information Technology Act and Sections 3 & 4 of Immoral Traffic (Prevention) Act, 1956.
- (3) The applicant's first bail application was dismissed on merits by order of this Court dated 21.02.2019 passed in M.Cr.C. No. 383/2019. Her second bail application was also dismissed on merits by order of this Court dated 22.11.2019 passed in

M.Cr.C. No. 7097 of 2019.

(4) Case of the prosecution, in brief, is that one deceased Mitali Hembrome had told the complainant that she is member of sex-racket operated by the applicant. Complainant met applicant with the 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.

(5) Counsel for the applicant submits that the applicant has been falsely implicated in the case as she has not committed any offence. He submits that applicant, being a lady, aged about 50 years, is in detention since 4th November, 2018; charge sheet has already been filed and she is suffering from low eye vision and undergoing medical treatment. He submits that since eight witnesses are still left to be examined, therefore, completion of trial will take more time for its conclusion. He further submits that none of the witnesses, who have already examined before the trial Court, have supported the case of the prosecution. He also submits that due to COVID-19 pandemic situation, the trial of the case is not being proceeded with since 19.03.2020 and the matter is getting adjourned and as such the completion of trial will also take more time on this ground also. Lastly, he submits that one of the witnesses namely Priyanka Haldar, who is said to be the eye witness to the incident, is not coming forward for her evidence before the trial Court and the summons issued against her returned unserved twice and, thus, due to the above-mentioned reasons, the conclusion of the trial is likely to take some more time and, in that situation, the applicant is entitled to be released on bail.

(6) On the other hand, counsel for the State opposes the bail application.

(7) Considering the totality of the facts & circumstances of the case, particularly the fact the applicant, being a old aged lady, is in detention since 04.11.2018; charge sheet has already been filed; and considering the reasons assigned by applicant's counsel in his submission show that trial is likely to take some more time for its final disposal; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, *third bail application* is allowed.

(8) Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he 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.

(9) In view of above, I. A. No. 1, application for urgent hearing & I.A. No. 2, application for hearing the case during summer vacation stand disposed of.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Vacation Judge

