

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5026 of 2021

- Jageshwar Sahu, S/o Bharat Sahu, Aged About 26 Years, R/o Math Purena City, P. S. Tikrapara, Raipur- District Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, P. S. Tikrapara, Raipur, District- Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Rekhraj Baghel, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30.06.2021 in connection with Crime No. 209/2021, registered at Police Station- Tikrapara, District- Raipur (C.G.) for the offence punishable under Sections 4, 5, 7 of Immoral Traffic (Prevention) Act, 1956.
- 2) Case of the prosecution, in brief, is that on 29.06.2021 police received secret information from the informant regarding prostitution being run in the house of the co-accused Savita Choudhary, thereafter, panchnama was prepared, pointer was sent with two notes of Rs.500 denomination to the said women for providing girl. On signal being given by the pointer the house of the Savita Choudary was raided and the applicant was arrested from there and from the possession of the applicant

cash of Rs. 200/- & condom was seized.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 30.06.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, the detention period of the applicant, who is 26 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
 - (i) he 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 him from disclosing such fact to the Court,
 - (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of

the trial,

(iv) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim