

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5900 of 2021

- Lata Ratre, W/o Shri Jamuna Das Ratre, Aged About 35 Years, R/o Ward No. 12, Pitiyajhar, Police Station - Mahasamund, Tahsil and Civil and Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Mahasamund, Civil and Revenue District- Mahasamund, Chhattisgarh.

---- Non-Applicant

MCRC No. 5902 of 2021

- Preeti Jain, D/o Shri Moolchand Golcha, Aged About 49 Years, R/o Ward No. 21, Near Yati Yatan Asharm, Police Station Mahasamund, Tahsil and Civil and Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Mahasamund, Civil and Revenue District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Jameel Akhtar Lohani, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06.09.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 21.05.2021 in connection with Crime No. 169/2021 registered at Police Station- Mahasamund, District-

Mahasamund (C.G.) for the offence punishable under Sections 3, 4, 5 & 7 of Immoral Traffic (Prevention) Act, 1956.

- 3) Case of the prosecution, in brief, is that the applicants alongwith co-accused are involved in prostitution. The police party conducted raid in the house of the applicant Preeti Jain, whose house was used as brothel and applicant Lata Ratre alongwith co-accused were found offering sexual service.
- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that co-accused namely Prahlad Gangwani has already been granted bail by the Co-ordinate Bench of this Court vide order dated 03.08.2021 in MCRC No. 4228/2021. The applicants have no criminal antecedents. Charge-sheet has already been filed, there is no likelihood of the their tampering with the prosecution evidence or absconding and they are in jail since 21.05.2021 and due to Covid-19 pandemic, trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State vehemently opposes the bail applications.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, the fact that co-accused has already been granted bail by the co-ordinate Bench of this Court, charge-sheet has already been filed, the detention period of the applicants, who are 35 & 49 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some time, without commenting anything on merit of the case, the applications are allowed.
- 7) It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (a) they 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,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Sd/-
(Gautam Chourdiya)
Judge

Nadim