
(2023) 01 MP CK 0028

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.61956 Of 2022

Usha Devi

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: Jan. 3, 2023

Acts Referred:

Code Of Criminal Procedure, 1973 & Section 439#Indian Penal Code, 1860 & Section 370A#Immoral Traffic (Prevention) Act, 1956 & Section 3, 4, 5, 7

Citation: (2023) 01 MP CK 0028

Hon'ble Judges: Deepak Kumar Agarwal, J

Bench: Single Bench

Advocate: Vardan Jain, Nirmal Sharma

Final Decision: Allowed

Judgement

Deepak Kumar Agarwal, J

The applicant has filed this first application under Section 439 of CrPC for grant of bail, who has been arrested on 17-10-2022 in connection with

Crime No.487 of 2022 registered at Police Station Padav, District Gwalior for offence punishable under Sections 370 A of IPC, Section 3,4,5,7 of

Immoral Traffic (Prevention) Act, 1956.

Prosecution case, in brief, is that on 17-10-2022 Police Inspector of Police Station Padav received an information that owner of the Mayur Hotel

situated at Padav is engaged in calling outside girls to get them indulge in prostitution business. He along with force reached on the spot and send a

constable as a customer who thereby reached in the room No. 215 there present applicant/accused Usha Devi along with Ranveer, Rehana, Moni,

Pooja and other girls were found in compromising position. Contraceptive packets were found from the room. They were arrested. Thereafter,

Offence was registered against them at Crime No.487/2022 under Sections 370-A of IPC and Section 3,4,5,7 of Immoral Traffic Act. Statements of

witnesses were recorded. After investigation, charge sheet has been submitted.

It is submitted by counsel for the applicant that the applicant has been falsely implicated in the case. She has not committed any offence. The

applicant is a lady aged about 26 years. She is in custody since 17-10-2022. The applicant has no criminal antecedent. She is ready to abide by all the

conditions which may be imposed by this Court. Hence, prayed for grant of bail to the applicant.

On the other hand, the application is opposed by State Counsel and submitted that considering nature of allegation as well as offence, the applicant is

not entitled for grant of bail.

Heard learned counsel for the parties and perused the case diary. Looking to the aforesaid facts and circumstances of the case coupled with the fact

that the applicant is a lady and is in custody since 17-10-2022, without commenting upon the merits of the case, this Court is of the opinion that the

application should be allowed and by allowing the application, it is ordered that if the applicant furnishes cash security of Rs.25,000/- along with bail

bond of Rs.25,000/- (Rupees twenty five thousand only) with one local surety in the like amount to the satisfaction of trial Court, she should be

released on bail. She will present during trial before the trial Court on each and every date. In case of any default, cash security of Rs.25,000/- shall

be forfeited without giving any notice.

Application stands allowed and disposed of.

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.