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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1939 of 2026

Davendra Singh Malhotra @ Sonu S/o Pritam Singh Malhotra Aged About 48 Years R/o Ward No.12, Beed Para Raigarh Tahsil And District - Raigarh (C.G.) **...Applicant**

versus

State Of Chhattisgarh Through – District - Magistrate - Raigarh, District- Raigarh (C.G.) (Concerned Police Station City Kotwali) **... Respondent**

For Applicant : Mr. Hari Agrawal, Advocate.

For Non-applicant/State : Ms. Monika Thakur, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

27.02.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 57/2026 registered at Police Station – City Kotwali, District – Raigarh (C.G.), for the offences punishable under Section 3, 4, 5 & 7 of the Immoral Traffic (Prevention) Act, 1956.
2. The prosecution case, in brief, is that on 09.02.2025, the City



Superintendent of Police, namely Mayank Mishra, submitted a written report stating that on 09.02.2020, Sub-Inspector A.K. Dewangan, who was posted at Police Station City Kotwali, received secret information to the effect that, for the purpose of earning illegal monetary gain, prostitution activities were being carried out at a spa centre named “Sunrise Spa and Salon,” situated on the 7th Floor of Hotel Trinity Grand, Raigarh.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, as no offence, much less under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956, is made out against him. It is contended that the applicant is neither the Manager nor an employee of Hotel Trinity Grand, Raigarh, and that the General Manager of the said hotel is one Anupam Mukherjee, whose appointment order dated 11.12.2025 has been filed as Annexure A-3. It is further submitted that the hotel is a four-star establishment undergoing civil expansion work for the past two years, and the applicant, being a friend of the owner, was merely entrusted with supervising the civil construction work and related purchases and installations, which is evident from the invoices bearing his signature and WhatsApp screenshots annexed as Annexure A-4. On the date of the alleged incident, when the police raided the hotel premises, the owner was out of India, and the applicant had only visited the spot to observe the proceedings and inform the authorities that the owner was unaware of the alleged activities of the spa centre; however, due to this discussion, he has been falsely implicated. It is further contended that neither the women allegedly involved nor any independent witness has stated anything regarding the applicant's



involvement, and the applicant has been implicated solely on the basis of the memorandum statement of a co-accused, which is inadmissible in evidence. Nothing has been seized from the applicant, and even otherwise, the essential ingredients of the alleged offences, including prostitution, inducement, or permitting the premises to be used as a brothel, are not made out against him. No statements of any alleged customers have been recorded to substantiate the prosecution case. It is also submitted that the offences alleged are triable by the Court of Judicial Magistrate and are neither punishable with death nor imprisonment for life. The applicant is a permanent resident of the address mentioned in the cause title, there is no likelihood of his absconding or tampering with evidence, the investigation is complete and the charge-sheet has been filed, and he is ready to furnish adequate security and abide by any conditions that may be imposed by this Hon'ble Court while granting bail.

4. On the other hand learned State counsel opposes the bail application of the present applicant and submits that the charge-sheet has been filed in the present case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence alleged against the present applicant, and also taking into account that the charge-sheet has been filed before the competent Court and that the applicant has been in judicial custody since 10.02.2026, and further considering that the conclusion of the trial may take some more time, this Court is of the considered opinion



that the applicant is entitled to be released on bail in the present case.

7. Let the Applicant – **Davendra Singh Malhotra @ Sonu** involved in Crime No. 57/2026 registered at Police Station – City Kotwali, District – Raigarh (C.G.), for the offences punishable under Section 3, 4, 5 & 7 of the Immoral Traffic (Prevention) Act, 1956., be released on bail on his furnishing **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.



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(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice