



2026:CGHC:22148



2026:CGHC:22148

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3247 of 2026

Sushil Gilhare S/o Vishnu Gilhare Aged About 38 Years R/o Salhewara
Para Dhamtari, Tehsil And District Dhamtari, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station City
Kotwali Dhamtari, District Dhamtari, Chhattisgarh.

... Non-Applicant

For Applicant	: Mr. Rahil Arun Kochar, Advocate and Mr. Gyan Prakash Dandekar, Advocate
For Non-Applicant/State	: Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

11.05.2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 71/2026 registered at Police Station City Kotwali Dhamtari, District Dhamtari, (C.G.) for the offence punishable under Sections 3, 4, 5, 7 of Immoral Traffic. (Prevention Act 1956)
2. Case of the prosecution, in brief, is that on 07.03.2026, the Station House Officer, Police Station City Kotwali, Dhamtari, received



secret information that immoral trafficking activities were being carried out in a house belonging to Pankaj Gautam situated behind the Government District Hospital, Tikrapara, Dhamtari. Acting upon the said information, the police conducted a raid at the aforesaid premises, where the present applicant Sushil Gilhare was found standing at the entrance gate of the house. Upon inquiry, the applicant disclosed that he had been residing in the said house as a tenant for the last six months. During the course of search, the police allegedly found two girls and two boys inside the premises. On the basis of the said information and investigation, Crime No. 71/2026 was registered against the present applicant and co-accused namely Khuman Sahu and Lochan Dewangan for the offences punishable under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act. Thereafter, the applicant was arrested and remanded to judicial custody. Hence, the present bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. It is further submitted that the co-accused persons namely Khuman Sahu and Lochan Dewangan, who were allegedly found inside the premises in objectionable condition, have already been granted bail by the learned Trial Court, whereas the present applicant was merely found standing at the entrance gate of the house and was not found in any compromising situation. It is submitted that the applicant stands on a better footing than the co-accused persons and, therefore, he is also entitled to the benefit of bail on the ground of parity. He further submits that as per the prosecution case itself,



the applicant was not found inside the premises and there is no independent or direct evidence to show that he was running or managing the alleged establishment. It is also submitted that the learned Trial Court has wrongly relied upon previous criminal cases against the applicant, despite the fact that he has already been acquitted therein, and such acquittal cases cannot be treated as criminal antecedents for the purpose of deciding the present bail application. He further submits that mere tenancy of the premises does not attract liability under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act unless there is material to show knowledge, active participation or conscious involvement of the applicant in the alleged activities. He also submits that the present applicant is in jail since 07.03.2026, charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel appearing for the respondent/State opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. He further submits that during the course of raid conducted on the basis of secret information, the present applicant was found at the entrance of the premises from where immoral trafficking activities were being carried out and he himself disclosed that he had been residing in the said premises as a tenant for the last six months. Considering the nature and seriousness of the allegations as well as the role attributed to the applicant, he is not entitled for grant of bail.



5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations levelled against the present applicant, the fact that the applicant was allegedly found standing outside the premises at the entrance gate and was not found inside the premises in any objectionable or compromising condition, further the fact that co-accused persons namely Khuman Sahu and Lochan Dewangan have already been granted bail by the learned Trial Court, also considering the fact the applicant has two criminal antecedents out of which he has already been acquitted in one case and in another case, he has being fined, and charge-sheet has been filed in the present case and he is in jail since 07.03.2026, and the trial is likely to take sometime for its conclusion, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant- **Sushil Gilhare**, involved in Crime No. 71/2026 registered at Police Station City Kotwali Dhamtari, District Dhamtari, (C.G.) for the offence punishable under Sections 3, 4, 5, 7 of Immoral Traffic, (Prevention Act 1956), be released on bail on his furnishing a **personal bond** with **two 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.

(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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Rahul Dewangan