

(2023) 11 OHC CK 0012
In the Orissa High Court
Case No : Bail Application No. 10996 Of 2023

Bittu @ Bibek Bisoi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 01-11-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Immoral Traffic (Prevention) Act, 1956 — Section 3, 4, 5, 6, 7

Citation : (2023) 11 OHC CK 0012

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Suryakanta Dwibedi, A.P.Das

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This application under Section 439 of Cr.P.C. has been filed in connection with Bhawanipatna Town P.S. Case No.299 of 2023 corresponding to C.T. Case No.849 of 2023, pending in the file of the learned S.D.J.M., Bhawanipatna under Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act, 1956.
2. The petitioner had moved an application for bail before the Court of learned Addl. Sessions Judge, Bhawanipatna which was rejected on 21.09.2023.
3. The prosecution allegation in brief is that on 03.09.2023 at about 6.40 p.m. while the IIC of Bhawanipatna Town Police Station alongwith other staffs were performing patrolling duty, they received reliable information that the petitioner was running a brothel by procuring girls from outside of the sake of prostitution. So, they rushed to the spot and apprehended the petitioner from the spot.
4. Mr. S.K.Dwibedi, learned counsel for the petitioner submits that the petitioner is in custody since 04.09.2023 and he has no criminal antecedents. He further submits that the alleged offences are triable by Magistrate First Class.

5. Mr. A.P.Das, learned Addl. Standing Counsel opposes the prayer for bail stating that the petitioner is exploiting young ladies and running the brothel but he submits that he has received instruction on 16.10.2023 from the IIC, Bhawanipatna Police Station that the petitioner has no criminal antecedents.

6. Considering the nature of allegations against the petitioner, the period spent by him in custody and lack of criminal antecedents, I am inclined to allow the prayer for bail.

7. Let the petitioner-Bittu @ Bibek Bisoi be released on bail on such terms and conditions as may be fixed by the learned Court below in seisin over the matter after verifying the criminal antecedents of the petitioner, including the following conditions:

(i) He shall not commit similar offence while on bail;

(ii) He shall not try to influence the witnesses or tamper with evidence while on bail.

(iii) He shall cooperate with the investigation and appear before the IIC, Bhawanipatna Police Station once every Tuesday and Thursday between 3.00 p.m. to 5.00 p.m. till completion of investigation.

Violation of any condition will entail cancellation of bail/recall of this order.

8. The BLAPL is accordingly disposed of.

9. Urgent certified copy of this order be granted on proper application.

10. A copy of this order be supplied to Mr. A.P.Das, learned Addl. Standing Counsel for onward transmission to the IIC, Bhawanipatna Police Station..

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