

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1605 of 2020

Kanchan Mandal Applicant

Vs.

State of Uttarakhand Respondent

With

First Bail Application No. 1678 of 2020

Sonam Dubey Applicant

Vs.

State of Uttarakhand Respondent

With

First Bail Application No. 1782 of 2020

Rajkumari Applicant

Vs.

State of Uttarakhand Respondent

Present:

Mr. Pradeep Chamyal and Mr. Deep Prakash Bhatt, Advocates for the applicant.
Mr. Subhash Tyagi Bhardwaj, D.A.G. for the State of Uttarakhand.

Hon'ble Ravindra Maithani, J.

All these bail applications arise from same FIR, hence, they are being decided by this common order.

2. Applicants – Kanchan Mandal, Sonam Dubey and Rajkumari are in judicial custody in FIR No. 90 of 2020 under Sections 370(4), 363, 366-A, 420, 120-B, 34 IPC, Section 16/17 of

Protection of Children from Sexual Offences Act, 2012 and Sections 3, 4, 5 7 and 9 of The Immoral Traffic (Prevention) Act, 1956, Police Station –, District

3. Heard learned counsel for the parties through video conferencing and perused the record.

4. This case is based on a raid conducted by Police on 14.07.2020. Police had got information on 11.07.2020 that the applicants live on the earning of prostitution. They earn the money by prostitution and cheat people under the pretext of marriage. A dummy customer was sent, a deal was stuck and money was handed over to the applicants. At the stipulated time, when the Police reached, they arrest all the applicants alongwith a young girl of 14 years who was to be given in marriage for which a deal was stuck for Rs.4 Lakhs. Police did videography and also taken photographs. The young girl who was recovered from the possession of the applicants revealed a very terrible story. According to her, firstly a woman named Pooja pushed her into prostitution. Thereafter, applicant Rajkumari pushed her into the flush trade frustrate and paid money to her parents and thereafter applicants Kanchan Mandal and Rajkumari both would send her for prostitution and take money from the persons. According to the young victim girl, she was not agreeable to it, but, she was threatened. The applicant Sonam was alongwith them.

5. Learned counsel for the applicant Kanchan would submit that Kanchan is a woman who is 50 years old and is sick, therefore, entitled for bail. On behalf of the applicants Sonam and Rajkumari, it is submitted that prosecution has not proved the intention of the applicants as to why did they commit this act.

6. On behalf of the State, it is submitted that the victim has narrated the whole story under in her statement recorded under Section 161 and Section 164 of the Code of Criminal Procedure, 1973. (for short 'the Code')

7. Intention loses its significance when the act committed is apparent. Here is a case where upon information having been received, a deal was fixed with the applicants. They took money and cheques as well. They were to supply a young girl of 14 years. This young girl, the victim narrated a pathetic story. Her childhood was snatched. She was pushed into the fludge trade firstly by a woman named Pooja, thereafter the applicant Rajkumari thereafter the applicant Kanchan Mandal and then the applicant Sonam. Her statement under Section 161 of the Code is revealing and she has also stated these facts in her statement under Section 164 of the Code. The date of birth of the victim was 17.02.2007. It means that she was just 13 years old in fact, when she was recovered. Investigating Officer has also recorded the statements of the Police Officers who conducted the raid and also of the mother of the victim. According to the mother of the victim, they are too poor and the applicant Kanchan assured her that the victim is working in an office. She never knew that where her young daughter was placed by applicant Kanchan.

8. Having considered the submissions, under the facts and circumstances of the case, this Court is of the view that it is not a case fit for bail. Hence the applicants are not entitled to be enlarged on bail and the bail applications of the applicants - Kanchan Mandal, Sonam Dubey and Rajkumari deserve to be rejected.

9. The bail applications of applicants - Kanchan Mandal, Sonam Dubey and Rajkumari are accordingly rejected.

10. This bail order be forwarded to concerned Court as well as the concerned jail through e-mail also.

(Ravindra Maithani, J.)
07.10.2020

Ujjwal