

(2020) 04 KAR CK 0063
In the Karnataka High Court
Case No : Criminal Petition No. 2087 Of 2020

Davinder Kaur @ PREETHI

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 30-04-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 370

Citation : (2020) 04 KAR CK 0063

Hon'ble Judges : S. Sujatha , J

Bench : Single Bench

Advocate : Jagadeesha B.N, M.Divakar Maddur

Final Decision : Allowed

Judgement

S. Sujatha, J

1. This Criminal Petition is filed by the petitioner under Section 439 of Cr.P.C, having suffered an order dated 03.03.2020 before the learned V

Additional District Judge, Bengaluru Rural District at Devanahalli in Crl.Mis.No.15042/2020 in Crime No.18/2020 registered against the petitioner by the Bengaluru International Airport Police Station at Bengaluru for the offence punishable under Section 370 of IPC.

2. The complaint lodged by the complainant â?" Smt.Baby Rana before the Bengaluru International Airport Police reveals that the accused No.1

approached the complainant offering an opportunity of providing a stage programme to the complainant at Bengaluru assuring that the complainant

would get Rs.40,000/-[Rupees Forty Thousand only] salary per month. It was alleged that the accused No.1 took the complainant to Sonam at Punjab

and kept her for four days in her company. On 11.02.2020, the accused Nos.1

and 2 along with one lady â?" Neha escorted the complainant to Chandigarh Airport. The accused No.1 sent the complainant with Neha to Bengaluru through flight. It is stated that Neha had informed the complainant that she has to perform the dance program on the stage and should involve in trafficking on the enquiry made by her regarding the nature of her job. It was informed that the petitioner would come to the Airport to take her to the place of work.

3. It was the case of the prosecution that the accused persons have conspired and indulged in human trafficking. It is not in dispute that the accused

Nos.1 and 2 are absconding. No case is registered against Smt.Neha who accompanied the complainant from Chandigarh to Bengaluru in flight. The

offence alleged against the petitioner under Section 370 of IPC is neither punishable with death nor imprisonment for life. No exception can be found

with the cardinal principle that the bail is the rule and jail is an exception, in the facts and circumstances of the present case.

4. The Trial Court has rejected the bail application mainly on the ground that the petitioner if enlarged on bail would tamper the investigation process

considering the gravity of the offence. The bail is nothing but the security to enlarge the accused and such bail could be granted by imposing stringent

conditions so that the petitioner shall not involve in tampering of the investigation process.

5. For the aforesaid reasons, the petition is allowed and the petitioner is enlarged on bail subject to the following conditions:

i) Petitioner shall be released on bail on executing a personal bond in a sum of Rs.2,00,000/-[Rupees Two Lakhs Only] with two sureties for the like-

sum to the satisfaction of the learned Trial Judge. However, this condition of the sureties shall be complied within a period of two weeks after the

Courts start functioning normally.

ii) Petitioner shall not tamper or attempt to tamper any of the prosecution witnesses.

iii) Petitioner shall not hold out threats to the prosecution witnesses or lure them in any manner.

iv) Petitioner shall not involve in any criminal activities.

v) Petitioner shall attend the Trial Court regularly on all hearing dates and shall participate in the proceedings.

vi) The petitioner shall not leave the jurisdictional limits of the Trial Court without the prior permission of the learned Trial Judge.

The learned Registrar [Judicial] is requested to transmit this order to the concerned Jail Authorities by e-mail or otherwise, as early as possible for information and needful implementation.