

(2017) 02 SC CK 0147

In the Supreme Court Of India

Case No : Criminal Appeal No(s). of 2017 (Arising out of SLP(Crl.) No. 8671 of 2016) with Criminal Appeal No(s). of 2017 (Arising out of SLP(Crl.) No. 8677 of 2016), Criminal Appeal No(s). of 2017 (Arising out of SLP(Crl.) No. 8674 of 2016), Criminal Appeal No(s).

Guria Swayam Sevi Sansthan

APPELLANT

Vs

Satyabhama

RESPONDENT

Date of Decision : 13-02-2017

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Immoral Traffic (Prevention) Act, 1956 — Section 3, Section 4, Section 5, Section 6, Section 7, Section 9
Penal Code, 1860 (IPC) — Section 370, Section 373

Citation : 2017 AIR(SCW) 1506 : AIR 2017 SC 1506 : (2018)13 SCC 387

Hon'ble Judges : Arun Mishra, J;Dr. D.Y. Chandrachud, J

Bench : Division Bench

Advocate : Mr. Anuj Kapoor, Ms. Tanima Kishore and Ms. Sridevi Panikkar, Advocates, for the Appellant; Mr. Ratnakar Dash and Mr. Pramod Swarup, Sr. Advocates, Mr. Ardhendumauli Kumar Prasad, Mr. Abhishek Kumar Singh, Mr. Ameet Singhy, Mr. Praveen Swarup, Mr. Sunil Kumar Jha, Mr. Amrender Kumar Choubey, Mr. S.K. Pathak and Ms. Seita Vaidialingam, Advocates, for the Respondents

Final Decision : Allowed

Judgement

1. Leave granted.

2. Appellant has questioned the order passed by the High Court of Allahabad in the various bail applications alleging release of the accused persons on bail. The accused persons have been charged with commission of offence under Sections 370 and 373 of the Indian Penal Code, 1860 (in short the IPC) and Sections 3,4,5,6,7 & 9 of the Immoral Traffic (Prevention) Act, 1956 (in short "the Act"). Under Section 6 of the Act punishment is up to life imprisonment and minimum sentence is of seven years. The facts indicate that the accused persons have been arrested in the aforesaid crime for human trafficking and forcing minor girls

into prostitution. As many as 41 minor girls were rescued during the raid which was conducted on 1st May, 2016 and all were kept confined and were subjected to torture and harassment. It was also alleged that growth hormones were given to Laxmi, a nine year old girl for purpose of prostitution and similar treatment was given to others. They were forced and were actually put into prostitution. They were kept hungry, intoxicated with drugs etc. There is a gang which is operating to force minor girls into prostitution and involved in human trafficking.

3. We have heard learned counsel for the parties and have gone through the orders passed by the High Court and considering the seriousness of the allegations, we are of the opinion that the High Court ought not to have granted the bail in a mechanical manner without even noticing the facts of the case. The approach of the Court cannot be said to be proper at all while enlarging the accused persons on bail in such a serious crime. In the circumstances without commenting on the merits of the case, we deem it appropriate to set aside the orders passed of grant of bail to the accused persons.

4. It is stated that in the trial court charges have been framed. In the circumstances, as it appears large number of witnesses have to be examined. It is stated that 15th February, 2017 is the date for recording of evidence of the witnesses. We direct the prosecution as well as the trial court to examine the material witnesses first and also direct the trial court to record the evidence at least for ten days in one month. In the aforesaid manner, let the trial be concluded as expeditiously as possible. Suffice it to observe that nothing mentioned in the order shall be deemed to be an expression on merits of the case.

5. In case there is an undue delay in the trial for no fault on their part, it would be open to the accused persons to approach this Court. It is assured that the accused persons and their counsel will cooperate with the trial.

6. Appeals are allowed. Impugned orders are set aside.