

(2024) 11 KAR CK 0009
In the Karnataka High Court
Case No : Criminal Petition No. 10152 Of 2024

Kavya

APPELLANT

Vs

State By Women Police Chitradurga Rep. By State Public
Prosecutor High Court Of Karnataka Bengaluru-560001 &
Ors.

RESPONDENT

Date of Decision : 23-11-2024

Acts Referred:

Indian Penal Code, 1860 — Section 149, 323, 344, 346, 363, 366(A), 370(A), 370(4),
376(2)(n), 468
Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6, 17</
Immoral Traffic Prevention Act, 1966 — Section 3, 4, 5
Code Of Criminal Procedure, 1973 — Section 437, 439

Citation : (2024) 11 KAR CK 0009

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Keshav R. Agnihotri, Channappa Erappa

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.4 in Spl.C.No.71/2024 pending before the Court of II Additional District and Sessions Judge and Special Judge, Chitradurga, arising out of Crime No.53/2021 registered by Chitradurga Women Police Station, Chitradurga District for the offences punishable under Sections 468, 149, 370(4), 376(2)(n), 370(A), 366(A), 323, 344, 346, 363 of IPC, Sections 4, 6, 17 of POSCO Act, 2012 and Section 3, 4, 5 of Immoral Traffic Prevention Act, 1966, is before this Court under Section 439 of Cr.PC seeking regular bail.

2. Heard the learned Counsel for the petitioners and the learned HCGP for respondent No.1. Respondent No.2 though served in the matter, is unrepresented before this Court.

3. FIR in Crime No.53/2021 was registered by Chitradurga Women Police Station,

Chitradurga District initially for the offence punishable under Section 363 of IPC, against unknown person on the basis of the first information dated 18.08.2021 received from respondent No.2 who is the mother of the victim girl. In the first information dated 18.08.2021, it is stated that daughter of the first informant, aged about 15 years was missing from the house from 09.08.2021 onwards, and efforts made to trace her had failed. Therefore, first informant had approached the police. The victim girl was traced on 12.03.2024. She had stated that on 09.08.2021, after she left her house, she had gone to Bengaluru and thereafter to Mysuru and accused No.1, who found the victim girl in the KSRTC Bus Stand at Mysuru had taken the victim girl along with her on the guise of providing her food and shelter, and thereafter, had used her for the business of prostitution, forcibly against the wishes of the victim girl.

4. During the course of investigation, accused no.4 was arrested on 16.03.2024 and subsequently remanded to the judicial custody. Investigation in the case is completed and charge sheet has been filed against ten persons. Petitioner herein is arrayed as accused No.4 in charge sheet. Bail application filed by the petitioner before the Trial Court in Crl.Misc.No.895/2024 was rejected on 06.08.2024. Therefore, she is before this Court.

5. Learned Counsel for the petitioner submits that petitioner is a lady, aged about 24 years and she has no criminal antecedents and she is in custody for the last more than 8 months. Accused No.5 as against whom similar allegation are found in the charge sheet has been granted regular bail by this Court in Crl.P.No.9315/2024, and accused Nos.7 and 9 have been granted regular bail by this Court in Crl.P.No.9068/2024 and Crl.P.No.10618/2024. Accordingly, he prays to allow the petition.

6. Per contra, learned HCGP who has opposed the petition, however, does not dispute the submission made by learned counsel for the petitioner.

7. Perusal of the charge sheet allegations would reveal that the minor girl who was missing from her house was found by accused no.1 in KSRTC Bus Stand in the year 2021, and thereafter, accused No.1 had the custody of the victim girl and she along with the accused no.2 had pushed the victim girl into their illegal business of prostitution. Allegation against the accused Nos.4 and 5 in the charge sheet is that they had posed as husband and wife in their locality had helped accused nos.1 & 2 for arranging customers for the purpose of their illegal business of prostitution by using the victim girl (CW-2). It is also alleged that accused nos.4 & 5 were arranging for premises in their locality and the customers were brought to the said premises to have sexual intercourse with the victim girl.

8. Similar allegation is also found even as against accused No.9. This Court has granted regular bail to accused Nos.5, 7 & 9 in Crl.P.Nos.9315/2024, 9068/2024 and Crl.P.No.10618/2024. Allegation against the petitioner herein and said accused persons are almost similar. Petitioner is a lady, and she is in custody

from 16.03.2024. Having regard to the aforesaid aspects of the matter and also taking into consideration the proviso to Section 437 of Cr.P.C, I am of the opinion that the prayer made by the petitioner herein for grant of regular bail needs to be answered affirmatively.

9. Accordingly, the following

:ORDER:

The petition is allowed.

The petitioner is directed to be enlarged on bail in SC.No.71/2024 pending before the Court of II Additional District and Sessions Judge and Special Judge, Chitradurga, arising out of Crime No.53/2021 registered by Chitradurga Women Police Station, Chitradurga District for the offences punishable under Sections 468, 149, 370(4), 376(2)(n), 370(A), 366(A), 323, 344, 346, 363 of IPC, Sections 4, 6, 17 of POSCO Act, 2012 and Section 3, 4, 5 of Immoral Traffic Prevention Act, 1966, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts her appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against her is disposed off.