

(2006) 04 AHC CK 0230

In the Allahabad High Court

Case No : Criminal Misc. Bail Application No's. 1901, 2683, 2752, 3340, 3886, 4649 and 4946 of 2006

Poornima and Afsana (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 04-04-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 164
Immoral Traffic (Prevention) Act, 1956 — Section 3, 4, 5, 6, 8
Penal Code, 1860 (IPC) — Section 109, 117, 323, 366A, 373

Citation : (2006) 04 AHC CK 0230

Hon'ble Judges : G.P. Srivastva, J

Bench : Single Bench

Advocate : M.W. Siddiqui, for the Appellant; Mahendra Pratap and A.G.A., for the Respondent

Final Decision : Allowed

Judgement

G.P. Srivastva, J.—These are the applications by the applicants Lalita, Rajesh, Kali, Lalloo, Abdul Hameed, Tara, Poornima and Afsana who are involved in the offence under Sections 3/4/5/6/8/9 The Immoral Traffic (Prevention) Act 1956 Act and Section 323, 504, 506, 109, 117, 366A, 373 I.P.C. PS. Manduadeeh, District Varanasi.

2. According to the prosecution case on 25.10.2005 one Ajit Singh, Chairman, Swayam Sevi Sanstha Guria) received an information from his wife Smt. Santwanta Manju that in red light area of Shivdaspur some minor girls are detained by Rahmat, Tulsi and Lalloo. They induced the minor girls for the purpose of prostitution and use them for illicit Intercourse and earn their livelihood. They recovered 31 girls from the house of Rahmat and Tulsi and got an FIR registered on 25.10.05 at 21.30 hours against Rahmat, Tulsi, Lallu and Afzal. Later on during the Investigation the names of the applicants and some other persons came into light and they were involved in compelling to induce and

seduce to illegal intercourse with some another person for prostitution under the management of brothel carried by the applicants.

3. It is argued by learned Counsel for the applicants that the applicants were neither named in the First Information Report nor arrested on the spot nor there is any evidence against them.

4. It has been further argued by learned Counsel for the complainant that the name of the applicants came in the statement of Raj Kumar, Rahisa Khatun, Manju and Chandra.

5. It is pertinent to mention that in the statement of the aforesaid witnesses though the name of some of the applicants emerged but no specific role have been assigned to them nor there is any description of their activities in the statement of the witnesses recorded u/s 161 Cr.P.C. Moreover no statement of these witnesses was got recorded u/s 164 Cr.P.C. which could give weight to their testimony. There is no allegation of keeping brothel against the applicants. There is no specific evidence regarding inducing or taking a specified person for the sake of the prostitution.

6. Besides that some legal pleas were also taken i.e. search of the premises can be made by a special police officer which is very relevant for the purpose of bail.

7. In the circumstances I am of the opinion that the applicants deserve to bail.

8. Let the applicants Poornima, Afsana, Tara, Abdul Hameed, Lalloo, Kali, Rajesh and Lalita be enlarged on bail their furnishing personal bonds with two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate/court concerned in Case Crime No. 274 of 2005 u/s 3/4/5/6/8/9 The Immoral Traffic (Prevention) Act and Section 323, 504, 506, 109, 117, 366A, 373, I.P.C. PS. Manduadeeh, District Varanasi.