
(2023) 12 UK CK 0059

In the Uttarakhand High Court

Case No : Second Bail Application No. 328 Of 2023

Rajni Alias Simran

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 370(2), 370(3)

Citation : (2023) 12 UK CK 0059

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Shashi Kant Shandilya, M.K. Chand

Final Decision : Allowed

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with the Case Crime No.408 of 2022, registered at police station Ranipur, District Haridwar.
2. Applicant is in judicial custody under sub-section (2) and (3) of Section 370 of the Indian Penal Code, 1860.
3. The First Bail Application (No.2507 of 2022) was dismissed as withdrawn on 21.07.2023.
4. The case of the prosecution is that on 27.08.2022, Inspector Narendra Singh Bisht, in-charge of Anti Human Trafficking Cell, received an information from one Santoshi through Sub-Inspector Ashok Sirswal that some girls have been called on the pretext of job and being forced to do illegal work. On the said information, the police party raided the house of one Aas Mohammad alias Raju Qureshi. Inside the house, the police party met the present applicant and her husband – co-accused Ravi Kumar. According to them, they were tenants in the said house.

At the same time, four women came out of the room. One of them identified herself as a resident of Delhi and told that one of her neighbors, namely, Roopa Jaiswal alias Seema (co-accused), had brought her to get her work. She was told by the present applicant that if she wants to get any other women employed here, she can call her. On this, she had called three women. They told the police that the present applicant and the co-accused persons induced them to engage in prostitution.

5. Heard Mr. Shashi Kant Shandilya, learned counsel for the applicant and Mr. M.K. Chand, learned AGA for the State.

6. Mr. Shashi Kant Shandilya, Advocate, appearing for the applicant, contended that the applicant, namely, Rajni alias Simran, aged about 34 years, is an innocent lady. She has been falsely implicated by her neighbors. Applicant neither procured any woman nor instigated or induced them to engage in prostitution. It is also submitted by Mr. Shashi Kant Shandilya, Advocate, that processes are being issued by the trial court to the alleged victims to record their evidence, but, they are not able to be traced. Applicant is in custody since 27.08.2022. She is a permanent resident of District Saharanpur (Uttar Pradesh), therefore, there is no likelihood of her absconding. She does not have any criminal antecedents. A charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

7. On the other hand, learned counsel for the State has opposed the bail application. However, he has submitted that bailable warrants have been issued by the Trial Court against the victims. He has conceded that there is nothing on record to show that the applicant had earlier been involved in any criminal activities.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Second Bail Application is allowed.

10. Let the applicant – Rajni alias Simran be released on bail on her executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.