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IN THE HIGH COURT OF DELHI AT NEW DELHI

WP (Crl.) No. 505 of 2010

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Date of Decision: 05th May, 2010

SHOBHA

... Petitioner

through :

Mr. Y.S. Chauhan, Advocate.

VERSUS

STATE & ORS.

... Respondents

through:

Mr. Pawan Sharma, Standing Counsel

CORAM :-

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE AJIT BHARIHOKE

1. Whether Reporters of Local newspapers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the Judgment should be reported in the Digest?

A.K. SIKRI, J. (Oral)

1. This petition exposes the sordid modus operandi adopted by certain persons with vested interests to drag the gullible, poor and innocent girls into the flesh trade. Meera, daughter of the petitioner herein, also became victim into the hands of such persons.

2. As per the averments made in this petition, the petitioner is a resident of West Bengal. She was having a Government job in Bengal. Although, she was having a job, she wanted her daughter to get employment in Delhi. Though, it is not stated in so many words, presumably, it was because of the reason that her daughter did not see any prospect of finding a job in her native place and for a greener pastures she came to Delhi. In the month of September-October, 2002, the petitioner took leave from her employer and came to Delhi with her daughter Meera by train. Her daughter was 18 years of age at that time. While in train, three boys started interaction with the petitioner and her daughter. During these talks, the

daughter of the petitioner revealed that she was going to Delhi in search of a job. These boys exchanged names, addresses and phone numbers with Meera.

3. After reaching Delhi, Meera got a job of maid/aaya at a Kothi situated at Vasant Vihar, New Delhi. The petitioner further avers that in January, 2003 two boys who had met her in the train came to see her in a neighbourhood park of Vasant Vihar where she had taken the child of her employer for recreation. Those boys on the pretext that they would like to entertain the child, took away the child from her and did not return thereafter. In these circumstances, Meera informed her employer about this incident. FIR no. 9/2003 was lodged in respect of the said kidnapping of child. The child was recovered and the two boys who had taken the child were arrested. Meera was also arrested in the said FIR. Matter is still pending trial and, therefore, we are not commenting upon the veracity of the aforesaid narration as given by the petitioner and also as to whether Meera had any role in the said episode or not.

4. The facts which are relevant for the present petition are that while Meera was in Jail, she met respondent no.6 Bala @ Champa Bai. Respondent no.6 is in the profession of running racket of flesh trade i.e. prostitution. She developed intimacy with Meera and assured her some decent employment on her releasing on bail. After some time, Meera got bail in the said case. It appears that respondent no.6 had also been released from the custody by that time. Respondent no.6 contacted Meera and took Meera with her at G.B. Road pretending that she had arranged some suitable employment for her. After reaching there, as per the version of the petitioner, her daughter was forced into the prostitution.

5. In FIR no. 9/2003, Meera did not appear in the Court on 28th October, 2003, the date fixed in that matter. Because of this, the learned Court issued non-bailable warrants against Meera and pursuant whereof, Meera was arrested on 12th December, 2003 and again sent to Tihar Jail. Respondent no.6 arranged for the bail

of Meera by giving security. As it transpires now, respondent no.6 had given surety of Rs. 25,000/- in the form of FDR deposited in the Court. Meera feels “obliged” for this act of “kindness” on the part of the respondent no.6. Once Meera was out, she was again taken to G.B. Road and she did not resist.

6. On the other hand, the petitioner remained under the impression that Meera was still in jail as the petitioner could not arrange any sound surety for her to secure her bail. It is only on the dates of hearing in the courts that the petitioner came to know that Meera was with respondent no.6. It is alleged in the petition that respondent no.6 would come to the court alongwith Meera, escorted by few muscle men and would not allow the petitioner to meet her daughter. It is only on 8th March, 2010 when Meera could stealthily meet the petitioner in the Court and she informed the petitioner that she had been forcibly detained and was coerced to participate in the flesh trade without her consent. The petitioner met respondent no.6 and pleaded with her to release her daughter but in vain. Apprehensive about the risk of life of her daughter and also fear of loss of reputation, the petitioner did not reveal the sufferings of Meera to any person but tried to take help from women organisations. When those efforts did not yield any result, present petition for issuance of writ of habeas corpus was filed on 7th April, 2010.

7. On the very first date when this petition came up for hearing on 8th April, 2010, Meera was produced in the Court. We interacted with Meera in the Chamber. She informed about the pendency of the criminal case and also revealed as to how the respondent no.6 met her in the jail. Since the respondent no.6 had secured her bail, this “benevolent” act is still fresh in Meera’s memory. It is because of this reason or due to fear that she stated before us time and again that she lived with the respondent no.6 of her own accord and the respondent no.6 is not to be blamed. Meera, though admitted indulging in prostitution, was not willing to put the blame on the respondent no.6 who created the circumstances forcing her to adopt this vocation. However, she did not want to live with the respondent no.6 or at G.B.

Road any longer. Fortunately for the petitioner, Meera expressed her willingness to go with her mother who is, at present, residing in a jhuggi in Kumhar Basti, Sector-1, R.K. Puram, New Delhi.

8. In these circumstances, though Meera was flushed-out of the flesh trade and has joined the petitioner, SHO of her area was directed by us to ensure protection of the petitioner as well as her daughter Meera. We also requested Ms. Aparna Bhatt, Advocate, if she could arrange some suitable and decent employment for Meera with the help of some NGO so that she is rehabilitated in the society again.

9. Today the respondent no.6 is present in the Court. The petitioner as well as her daughter Meera have also appeared. It is stated by these parties that they have sorted out the issue of money payable by the respondent no.6 to Meera. On the statement of Meera, who is major, recorded on 8th April, 2010 she was permitted to go with her mother as per her desire. She states that she would like to continue to stay with her mother.

10. Ms. Aparna Bhatt, Advocate has also arranged some job for Meera. Meera states that she would be willing to take up that job. We place on record our appreciation for the efforts made by Ms. Aparna Bhatt. Expressing the hope that Meera would get rehabilitated in the normal streamline, we disposed of this writ petition.

(A.K. SIKRI)
JUDGE

(AJIT BHARIHOKE)
JUDGE

May 05, 2010.
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