

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL APPLICATION (BAIL) NO. 175 OF 2015.

MRS.RUBINA JENA, PRESENTLY IN
JUDICIAL CUSTODY SUB JAIL SADA,
GOA.

... Applicant

Versus

STATE, THROUGH P.I. ATTACHED TO
ANJUNA POLICE STATION AND ANR.,

... Respondents.

Mr. Menino Teles, Advocate for the applicant.

Mr. S. R. Rivankar, Public Prosecutor for the respondents.

Coram:- K. L. WADANE, J.**Date:- 28th August, 2015****ORAL ORDER**

The present bail application is filed by the accused/applicant under the provisions of Section 439 of Cr.P.C.

2. A victim, a minor girl lodged a complaint to the Anjuna Police station on 14.7.2014 alleging that the present accused alongwith her husband and other accused persons brought her for the prostitution activities by giving false promise and wrongly confined her at room no. 311 of MN Resort, Arpora. Further it is alleged that the victim was

assaulted by the applicant, her husband Raju and co-accused Lala. While other accused Shantanu and Chandan, accused nos. 5 and 6 respectively were assisting other accused for doing so. The victim had lodged complaint to the police by calling them on call no.100.

3. On the basis of the statement of the victim, offences under Section 420,370-A,372,354-A,342,323 of I.P.C., Section 3, 4, and 5 of the Immoral Traffic(Prevention) Act and Section 8(20 read with 2(Z), 8(4) (9) and 10(e) of the Goa Children's Act, 2003 came to be registered.

4. The bail application of the applicant is opposed by the prosecution by filing its say.

5. I have heard the arguments of Mr. Menino Teles, learned Counsel appearing for the applicant and Mr. S. R. Rivankar, learned Public Prosecutor for the respondents and has also gone through the entire records.

6. The main contention of the learned counsel appearing for the applicant is that the other four accused persons were enlarged on bail.

Therefore, the present applicant is entitled for bail on the ground of parity so also one of the lady accused having similar allegations against her has been released on bail. Therefore, on this count also, the applicant is entitled for bail.

7. As against these, learned Public Prosecutor has argued that present accused and her husband namely Ghanasham alias Raju are prime accused who actually brought the victim to Goa from Orissa and they play important role in bringing her to Goa. Therefore, present applicant is not entitle for bail on the ground of parity. Mr. Rivankar, learned Public Prosecutor has further argued that the accused persons have sexually exploited the minor girl. She was compelled to have sexual intercourse with various persons and ultimately the victim was helpless. She herself called police by dialing no. 100. In response of the call, police visited the aforesaid resort and recorded the statement of the victim.

8. Mr. Rivankar, stated that the charge is framed against the accused persons. There is no delay on the part of the prosecution. Prosecution is always ready to conduct the trial. In such circumstances, he has prayed

to dismiss the application. He further stated that when some of the accused were released on bail they jumped the bail, due to which trial of the accused was held up for some time.

9. On perusal of the contents of the statement of the victim, it appears that the present applicant and her husband had very important role by which they compelled the victim for prostitution. The victim has given details right from 25.6.2014 till the complaint is filed as to the manner in which she was compelled for a sexual intercourse with various persons from time to time. The allegations against the other persons is that they are accompanying the victim and other accused persons right from Cuttak, Orissa State to Goa. So because of this, case of the applicant cannot be equitted with the case of other accused persons.

10. From the records, it is seen that the victim is from Orissa State. So also rest of the accused persons including the present applicant are from Orissa State and the accused persons, if jumped the bail, then it is very difficult to proceed with the trial in such circumstances, I am of the opinion that the applicant is not entitled for bail.

11. Hence, application for bail stands dismissed.

K. L. WADANE, J.

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