

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.504 OF 2015

Vijay Triloki Paswan Applicant
Vs.
The State of Maharashtra Respondent

Mr. P.R. Dave for the Applicant.
Mr. S.H. Yadav, APP, for the Respondent-
State.

CORAM: REVATI MOHITE DERE, J.

DATED: MARCH 19, 2015

P.C:

1. Heard learned counsel for the
applicant and the learned APP for the State.

2. By this application, the applicant
seeks his enlargement on bail in connection
with C.R. No.59 of 2014, registered with the
D.B. Marg Police Station, District Mumbai for
the alleged offences punishable under Sections
370, 344 and 376 r/w Section 34 of the IPC and
Sections 3, 4, 5 and 6 of PITA.

3. on 27-2-2014 one Sharda, who was working with the Police Department, lodged a report with the D.B. Marg Police Station. It is alleged in the complaint, that on 26-2-2014 one Ms Akanksha had approached the police station and disclosed that two girls were inquiring about the nearest police station. Pursuant to the same, she brought the girls to the police station. The said girls were not conversant with the Hindi language and were speaking in Bengali. Accordingly, a translator was summoned to the police station. The said girls disclosed their names and informed the police that they were residents of Bangladesh. It was disclosed by them, that one Masood and Sapan had brought them i.e. the victim girls from Bangladesh to Calcutta by ship for a person by the name Faizal on 6-2-2014. On 12-2-2014 Faizal brought them to Mumbai and introduced the girls to the

present applicant and the girls were sold for Rs.3,00,000/- and they were forced into prostitution. The victim girls also informed the police, that the present applicant was running the said brothel along with two Managers. It was alleged by the victim girls that whenever they refused to oblige, they were assaulted. Accordingly, an FIR was specifically lodged as against Faizal, Vijay (present applicant), Masood and Sapan.

4. The learned counsel for the applicant submitted that the statements of the victim girls show that they had come from Bangladesh and that as they did not get adequate money, they had decided to leave the said premises. He submitted that even otherwise the victim girls have been repatriated to Bangladesh and the trial commencing in the immediate near future is bleak. He submitted that the nature of the

evidence is essentially of the two victim girls, whose presence is not likely to be secured during trial. The learned counsel submitted that the victim girls were major and were married with children.

5. The learned APP opposed the bail application. He submits that the statements of the victim girls clearly disclose the complicity of the present applicant and his role in compelling the victim girls into prostitution.

6. Perused the charge-sheet and in particular the statements of the victim girls. Both the victim girls have categorically disclosed the role of the present applicant in compelling/forcing them into prostitution. It further discloses how they were kept in a room and how they were sold to the present applicant

for a sum of Rs.3,00,000/-. The fact remains that considering the statements of the victim girls, it is evident that they were brought from Bangladesh to Mumbai and were forced into prostitution and were sold to the applicant. Section 370 of the IPC deals with trafficking of persons. Considering the nature of allegations and the imprisonment that is likely to be awarded if the offence is proved, the applicant is not entitled to be released on bail. Accordingly, the application is rejected. However, the trial Court shall make endeavour to decide the case as expeditiously as possible. Liberty is granted to the applicant to file a fresh application for bail, if his trial does not conclude within a reasonable time, for no fault of the applicant. The application is accordingly disposed of with the liberty as aforesaid.

(REVATI MOHITE DERE, J.)