

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 39 OF 2017

DARSHANA @ SWATI NEMADE, PRESENTLY
IN JUDICIAL CUSTODY AT SUB JAIL
SADA, VASCO., ... Applicant
Versus
STATE OF GOA, THR. WOMEN AND CHILD
PROTECTION UNIT MARGAO AND ANR., ... Respondents

Mr. Amey Prabhudessai and Mr. Sagar Govekar, Advocates for
the applicant.
Mr. S. R. Rivankar, Public Prosecutor for the respondents.

Coram:- C. V. BHADANG, J.

Date:- 17th February, 2017

P.C.

The applicant is facing prosecution for the offence punishable under Section 370(A)(2) of the Indian Penal Code (IPC, for short) and Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act and the applicant is in judicial custody since 26/05/2016. The trial before the learned Sessions Judge is part heard, in which, some of the prosecution witnesses are examined.

The learned Sessions Judge has rejected the application for bail on the ground that there is no change in material circumstances after rejection of the previous application and on the ground that the applicant is a resident of Maharashtra and has also a residential address shown in Mumbai and thus, there is likelihood of the applicant not being available for trial, if released on bail.

2. The learned Public Prosecutor for the respondents submits that the trial is now fixed for examination of the prosecution witnesses, namely the two girls, who have been allegedly trafficked.

3. Considering the fact that the trial is part heard, I am not inclined to grant bail at this stage. The Criminal Application (bail) is disposed of, with liberty to the applicant to renew the request after a period of eight weeks..

C. V. BHADANG, J.

SMA