

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.143 OF 2018

Venus Nathaniel Habib ... Applicant

Versus

State, through Public Prosecutor & Anr. ... Respondents

Shri S.D. Lotlikar, Senior Advocate with Shri Vibhav Amonkar,
Advocate for the Applicant.

Shri P. Faldessai, Additional Public Prosecutor for the
Respondents.

Coram : NUTAN D. SARDESSAI, J.

Date : 4th May, 2018

ORDER :

Heard Shri S.D. Lotlikar, learned Senior Counsel for the
Applicant and Shri P. Faldessai, learned Additional Public
Prosecutor for the Respondents.

2. It has been the contention of Shri Lotlikar, learned
Senior Counsel that the applicant has been in custody since
the last about twenty days and has duly co-operated with the
investigation. Besides, she is a senior citizen aged about 65
years suffering from chronic medical history and that her
further detention in custody would not serve any purpose
when the children in question were lodged in safe custody. No

purpose would be achieved by her continued detention in custody and therefore she be enlarged on bail, on such terms and conditions as may be imposed by this Hon'ble Court.

3. Shri P. Faldessai, learned Additional Public Prosecutor for the respondents opposed the application on the premise that the applicant has not been co-operating with the course of investigation. It has been revealed in the course of the investigation that these children were not destitute children available on the streets but those procured from the States outside the State of Goa and the said person who had procured some of these girls particularly from the State of Andhra Pradesh has been located and placed under arrest. The victim girls had been subjected to a lot of physical hardship and torture by the applicant and in which context he produced some photographs on record. It was his further contention that the parents of these children were required to be located and identified and setting her at liberty could be counter-productive to the case of the State. In these circumstances, he prayed for dismissal of the application.

4. i have considered their contentions at large and besides

perused the photographs produced on record by Shri Lotlikar, learned Senior Counsel for the applicant and Shri P. Faldessai, learned Additional Public Prosecutor on behalf of the State which represent the two ends of spectrum, those produced on behalf of the applicant presenting a rosy picture and those produced on behalf of the State being quite appalling. Be that as it may, the applicant has been available for the purpose of investigation for the full period of police custody remand of fifteen days and an additional remand to judicial custody of five days. In any event, she is a woman and is entitled to the benefit of bail considering also her medical condition which is not seriously disputed on behalf of the State. The details about the parents of these so called destitute children can be traced and identified without her intervention, when it is the case on behalf of the applicant that she has no further details about their origin and maintaining her statement that they were destitute children found by her on the street and taken care of by her under the trust managed by her.

5. i have otherwise perused the order of the learned President of the Children's Court who has made her observations on the matter but nonetheless considering also

the fact that maximum punishment which she would be liable to suffer imprisonment being seven years, no purpose would be achieved by her further continued detention in custody, when she could be put to terms to see that she cooperates with the further course of investigation while being enlarged on bail. The apprehension expressed on behalf of the respondents could be taken care of by putting her to terms. In the result therefore the application is allowed and the applicant is released on bail on the following conditions:

- (i) The applicant shall be released on bail on executing bail bonds in the amount of ₹50,000/- and furnishing a solvent surety in the coextensive amount to the satisfaction of the learned President of the Children's Court.
- (ii) She shall not leave the State of Goa and otherwise furnish her detailed address and mobile number to the Investigating Officer.
- (iii) She shall report at the Police Station once a week every Monday between 10.00 hrs. to 12 noon till the filing of the charge sheet.

(iv) In these terms the application stands disposed off. The parties to act on the basis of the authenticated copy.

NUTAN D. SARDESSAI, J.

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