

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 232 OF 2018

**RIM BAHADUR OLI, PRESENTLY AT
CENTRAL JAIL, COLVALE.,**

... Applicant

Versus

**STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.,**

... Respondents

Shri D. Dhond and Shri Vibhav Rajiv Amonkar, Advocates for
the applicant.

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

Coram:- C. V. BHADANG, J.

Date:- 27th August 2018

P.C.

This is an application for bail.

2. The applicant along with other co-accused has been arrested for the offence punishable under Sections 370 and 370(3) of Indian Penal Code (IPC, for short), read with Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956 (Act of 1956). Admittedly, the applicant was arrested on 27/09/2017 and is in custody for about 11 months. The investigation is complete and the chargesheet is filed. It is further undisputed that summons was issued to the victim girls, however, they did not turn up for recording their evidence. Both the victim girls are shown to be major respectively being aged 19 and 25 years on the date of incident i.e. on 27/09/2017.

3. The learned Counsel for the applicant submitted that the

applicant, who was working with Santosh Kumar, who is the accused no.1, has no complicity in the offence and prima facie, therefore, cannot be held to be involved in the offence of trafficking under Section 370(3) of IPC.

4. On hearing the learned Counsel for the applicant and the learned Public Prosecutor, I find that the investigation being complete and further prima facie, having regard to the fact that the applicant was only working with the main accused Mr. Santosh Kumar, I find it appropriate to exercise discretion in favour of the applicant, subject to conditions. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on bail on executing a P.R.
Bond in the sum of Rs.25,000/- with one local surety in the like amount.
- (iii) The applicant shall furnish his permanent address in Goa along with proof and shall not tamper with the prosecution evidence or witnesses.
- (iv) The bail bonds to be furnished before the learned Sessions Judge.

C. V. BHADANG, J.