

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 282 OF 2018

**KASHMIR SINGH, PRESENTLY AT
CENTRAL JAIL COLVALE.,**

... Applicant

Versus

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

... Respondents

**Shri K. Raikar with Shri Vibhav Rajiv Amonkar, Advocates for
the Applicant.**

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

Coram:- C. V. BHADANG, J.

Date:- 26th September 2018

P.C.

This is an application for bail.

2. The applicant is the accused no. 2 in Crime No. 127/2017 of P.S. Anjuna, under Section 370A (2) read with Section 34 of IPC and Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. The applicant has been arrested on 09.02.2018 and is in custody since then. The investigation is complete and the chargesheet is filed. The main accused i.e. accused no. 1 Mr. Bilal Shaikh has already been released on bail by the learned Sessions Judge.

3. The prosecution case is that on 12.12.2017 at 18:45 hours, a raid was conducted on specific information and one of the victim

girls, aged 19 years came to be rescued. The specific information was about the accused no. 1-Bilal Shaikh, indulging into the offence for providing girls for prostitution. Bilal Shaikh was arrested on the same day i.e. on 12.12.2017. According to the prosecution, during interrogation, Bilal Shaikh informed that the girls were procured by a person called Ganja. It appears that on 05.02.2018, an offence at crime no. 22/2018 was registered at P.S. Anjuna, against the present applicant for the similar offence and the applicant came be arrested in the present crime i.e. crime no. 22/2018, under a transfer warrant on 09.02.2018. It is significant to note that the applicant has been released on bail in crime no. 22/2018 on 25.06.2018 by the learned Sessions Judge.

4. I have heard the learned Counsel for the applicant and the learned Public Prosecutor for the respondents. Perused the order passed by the learned Sessions Judge and the record produced.

5. It is submitted by the learned Counsel for the applicant that there is no material to show that the accused no. 1 has made any disclosure that the girls have been procured by the present applicant. It is submitted that even assuming that there was any disclosure, the disclosure was that the girls were procured by one Ganja. It is submitted that there is no material to show that the person by name Ganja and the present applicant-Kashmir Singh, is the same person.

6. The learned Public Prosecutor submitted that there are two other similar offences registered against the applicant, being crime no. 22/2018, which was registered on 05.02.2018 and crime no. 6/2018, registered by the crime branch. It is submitted that the learned Sessions Judge has refused to grant bail on the ground of the criminal antecedents of the applicant.

7. I have carefully considered the circumstances and the submissions made. As noticed earlier, the investigation in the present case is complete. Prima facie, at this stage, it appears that according to the prosecution, the accused no. 1-Bilal Shaikh, during the course of the investigation, had disclosed that the girls were procured by a person called Ganja. At this stage, there is no material to show that there was any such disclosure and to further show that the applicant- Kashmir Singh is also known by the name Ganja. The main accused in the present crime has already been released on bail. In that view of the matter, I find that discretion can be exercised, subject to certain conditions. Hence, the following order:

O R D E R

- (a) The application is allowed.
- (b) The applicant shall be released on bail, on execution of a P.R. bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.

- (c) The applicant shall not tamper with the evidence and/or the prosecution witnesses.
- (d) The applicant shall not commit any similar offence while on bail.
- (e) The applicant shall surrender his passport, if any, before the learned Sessions Judge.
- (f) The applicant shall not leave the State of Goa without the prior permission of the learned Sessions Judge.
- (g) The applicant shall furnish his local residential address in Goa alongwith his contact number and his native address alongwith proof, before the learned Sessions Judge, if not already given.
- (h) In the event of breach of any of the conditions, the bail is liable to be cancelled.
- (i) Bail bonds to be furnished before the learned Sessions Judge.

C. V. BHADANG, J.

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