

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO.28/2021

Mrs. Anita Karapurkar,
Wife of Mr. Sachin Karapurkar,
Aged 29 years, Permanent Resident
of H. No. 84, Hsg Board Colony,
Indira Nagar, Chimbél, North Goa,
Chimbél, Goa, Presently lodged at
Judicial Custody, Modern Central Jail,
Colvale Bardez, Goa.

... Applicant

V e r s u s

1. STATE

(As represented by the officer
Incharge/Police Inspector Crime
Branch, Ribandar, Goa)

2. The Public Prosecutor, High
Court Bldg., Althino Panaji Goa .

... Respondent

Mr. S. Saudagar, Advocate for the Applicant.

Mr. S. Dhargalkar, Additional Public Prosecutor for the
Respondent.

CORAM : M. S. SONAK, J.

DATE : 17th February, 2021

P.C.

Heard Mr. S. Saudagar, Advocate for the Applicant and Mr. S.
Dhargalkar, the learned Additional Public Prosecutor for the
Respondent.

2. The applicant seeks bail in Sessions Case No.35/2020 instituted on the basis of FIR No.55/2020.

3. Mr. Saudagar has pointed out that the applicant is in custody since 22.07.2020 for allegedly committing offences under Section 370(3) of the Indian Penal Code and Sections 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956. He points out that charge-sheet has already been filed and therefore, there is no question of any apprehension of tempering. He referred to the statements of two of the victims under Section 164 of the Criminal Procedure Code before the Magistrate and pointed out that these statements suggest that even the applicant was a victim herself and therefore, the Sections under which she has been charged may not be applicable to her case. He submits that the applicant is a local and even though one FIR was filed against the applicant in the past, the same relates to the applicant allegedly soliciting customers and not inducing anyone or leaving on the income of the other person. He states that the applicant has already suffered incarceration for almost 7 months and therefore, for all these reasons this is a fit case for her release on bail.

4. Mr. Dhargalkar, learned Additional Public Prosecutor opposes the grant of bail by pointing out to the antecedents of the applicant. He submits that there are several statements by the victims which clearly suggest that the applicant was involved in the

offences for which she was charged. He submits that the applicant is only trying to take advantage of some similar first names and therefore she may not be enlarged on bail.

5. Having considered the rival submissions as well as the material on record, according to me, the applicant can be enlarged on bail, no doubt subject to certain terms and conditions.

6. The FIR No.206/2019 which is relied upon by the prosecution to show the antecedents of the applicant relates to an offence of soliciting the customers under Section 8 of the Immoral Traffic (Prevention) Act, 1956. The statements referred to by Mr. Saudagar are confusing but one of the versions suggests that even the applicant entertained the customers (decoy customers) along with the other victims. There is some ambiguity regards whether the first call to arrange for the girls was made by the applicant or some other girl having the similar first name.

7. True, as contended by Mr. Dhargalkar there are statements of others which do implicate the applicant for the offences for which she has been charged.

8. Be that as it may, by now, the applicant, has suffered incarceration of almost 7 months. The applicant is a local person and has a local address. The applicant is willing to offer sureties.

Therefore, there is no point in prolonging her pre-trial incarceration. Subject to certain conditions therefore, the applicant can always be enlarged on bail.

9. Even in the case of *Freedom Firm v. Commissioner of Police, Pune and others – dated 30.10.2015 in Criminal Public Interest Litigation No.4 of 2015* the Division Bench of this Court has laid down certain guidelines when it comes to grant of bails in such matters. The said conditions will have to be taken into account in this matter as well.

10. Accordingly, this bail application is allowed and the applicant is directed to be released on bail subject to the following terms and conditions:-

- (i) The applicant shall furnish personal bond of ₹15,000/-, with her recent self-attested photographs and two local sureties of the like amount to the satisfaction of the Additional Sessions Judge, Mapusa where the charge-sheet is filed. Mr. Saudagar stated that the applicant will produce local sureties;
- (ii) No surety shall be accepted except upon proof of proper identity documents and contact details;
- (iii) The applicant shall give her permanent address as also

some identification documents like Voter's Card, Ration Card, Adhar Card, etc.

(iv) The applicant shall co-operate with further investigation, if any, and make herself available for interrogation whenever required;

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witnesses acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer;

(vi) The applicant shall not leave the State of Goa, without prior permission of the Court, till the trial is over;

(vii) The applicant shall not indulge into any offences, including particularly any offence under the Immoral Traffic (Prevention) Act, 1956;

(viii) The applicant shall regularly remain present during the trial, and co-operate with the Court to complete the trial.

11. The Registry to ensure that the Writ is issued by today itself so that the applicant can be released at the earliest.

12. Application for bail is disposed of on the aforesaid terms.
13. All concerned to act based on the authenticated copy of this order.

M. S. SONAK, J.