



\$~48

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Decided on : 01.03.2024**

+ BAIL APPLN. 4355/2023

UTKIRBEK KHALILOV @ ALI Petitioner

Through: Mr. Rajesh Rathod, Advocate

versus

STATE GOVT. OF NCT OF DELHI Respondent

Through: Mr. Satish Kumar, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C. ') has been filed on behalf of the applicant seeking grant of bail in case arising out of FIR bearing No. 160/2022, registered at Police Station Chanakya Puri, Delhi for offences punishable under Sections 365/370/384/506/109/120B of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.
3. Briefly stated, it is the case of the prosecution that a complaint had been received from Secretary of a NGO namely Empowering Humanity that the complainant herein had allegedly informed that there are seven



girls/victims, citizens of Uzbekistan who had been trafficked and forced into prostitution in India by the accused persons. It is alleged that some of the victims had been brought to Delhi via Nepal and some victims had been brought directly to India on a tourist and medical visa, multiple times. It is alleged that certain victims had been brought via Nepal and their passports and other documents had been confiscated in Nepal itself. While some other victims had been brought to India on tourist and medical visa's and as soon as they had arrived in India their passports and other documents had been confiscated by the accused persons. It is further alleged that the said victims had been manipulated and brought to India on the pretext of providing jobs, but as soon as they had arrived in India the accused persons had forced them into the work of prostitution and sexual slavery. It is also alleged that when the victims had tried to resist working as prostitutes, the accused persons had threatened them of dire consequences and had told them that since they had no visas, the police would catch hold of them and would put them in jail. Furthermore, it is also alleged that the victims had been sold to different owners during their stay in Delhi and had been used in sex rackets. However, the victims had somehow managed to escape and had reached the gates of Uzbekistan Embassy. It is also specifically alleged that when these victims had reached the said embassy two of the accused persons had reached the embassy and had kidnapped one victim at gunpoint. It is alleged that the said victim had been released by the accused persons when the victim had been contacted over phone. After that, the Uzbekistan Embassy had handed over all the seven victims to Empowering Humanity, NGO. The



complainant had annexed the statement of victim girls which had been typed by the help of Google translator. Thereafter, the present FIR was registered.

4. Learned counsel appearing on behalf of the applicant states that the accused/applicant has not been named in the FIR and has been falsely implicated in the present case. It is further stated that the present applicant has been implicated in the instant case on the basis of disclosure statements given by the co-accused persons and the chargesheet stands filed against the petitioner for offences punishable under Sections 365/370/384/506/109/120B IPC and Sections 3/4/5 of the Immoral Traffic (Prevention) Act, 1956 ('ITP Act'). The investigation qua the present applicant is complete and no purpose will be served keeping him in custody. It is further stated that there is no evidence against the applicant to link him with the alleged offence, except the disclosure statement of the co-accused and that the same cannot be read in evidence against the applicant. It is further submitted by the learned Counsel for the applicant that the victims in the present case had ran away from the alleged NGO i.e., Empowering Humanity and thereafter another FIR bearing No. 747/2022 had been registered for offences punishable under Sections 365 IPC in P.S Dwarka and after the victims had been traced by the IO of the case in FIR bearing No. 148/2022 all the alleged victims had been sent to Nari Niketan, Nirmal Chhaya, Nagar, New Delhi. However, out of 5 alleged victims, 4 victims had run away from Nirmal Chhaya on 04.04.2023 for which another FIR had been registered bearing No. 100/2023 at P.S. Hari Nagar, Delhi. This conduct of the alleged victims, make it crystal clear that the alleged victims are not genuine victims



and had been tortured by the complainant/NGO rather than the accused persons. Therefore, considering the above submissions bail be granted to the present applicant/accused as prayed for.

5. Learned APP for the State, on the other hand, strongly opposes the present application and argues that the present case is not a simple case as presented by the learned counsel for the petitioner. It is vehemently submitted that the victims in the present case are aged between 18 to 22 years and are nationals of Uzbekistan. It is further submitted that as far as the name of the present applicant/accused is concerned, one victim 'TO' had stated in her statement under Section 161 Cr.P.C that she was informed that her visa has been arranged by applicant/accused. Moreover, there is a disclosure statement of other co-accused person corroborating the statement given by victim 'TO' under Section 161 Cr.P.C. It is further stated that the allegations in the present case are very serious. It is also stated that charges have not been framed yet by the learned trial court and there are 34 prosecution witnesses to be examined and that there is a possibility that the present accused/applicant can influence witnesses and tamper with evidence. Therefore, prayer for bail be rejected.

6. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State and has perused the material placed on record.

7. This Court notes that it is the case of the prosecution that 7 girls/victims who are citizens of Uzbekistan had been trafficked to India for the purpose of prostitution and sexual slavery. As per the FIR, victims had



been trafficked to India either on tourist visas or medical visas or illegally via Nepal. As soon as they had entered India their passports and other travel documents had been confiscated by the accused persons. It is alleged that the said victims had been brought to India on the pretext of getting jobs. Furthermore, it has been alleged that the accused persons used to send the victims to customers in Delhi and across other states for prostitution and if the victims resisted the accused persons would threaten them of dire consequences. It has been alleged that the victims had somehow managed to escape from the clutches of the accused persons and had sought an intervention from Uzbekistan Embassy. It has also been alleged that while the victims had reached Uzbekistan Embassy two accused persons had kidnapped one victim at gunpoint from the embassy and it was only after a call had been made to the victim by the Embassy the accused persons had released her. Thereafter, the embassy had handed over the victims to a NGO who is the complainant in the present case. The complainant had attached the statement of victims recorded *via* Google translation along with his complaint. Thereafter, the present FIR was registered under Sections 365/370/384/506/109/120B of IPC. During the course of investigation, Sections 3/4/5 of the ITP Act had also been added since there were allegations of human trafficking. This Court notes that bare perusal of the FIR and chargesheet reveals that the allegations are very serious in nature.

8. As far as the allegations regarding the present applicant/accused are concerned this Court has gone through the statement of victim 'TO' recorded under Section 161 Cr.P.C wherein it has been specifically alleged



that the present applicant/accused was the one who had arranged visas for her and that the accused persons had paid an amount of Rs 6 lakhs to the present applicant/accused to bring her to India. It is also alleged that, the present applicant/accused helped the accused persons send the money earned from prostitution to Uzbekistan. Moreover, the present applicant/accused has also been named in a disclosure statement of a co-accused person whereby it has been alleged that the present applicant/accused helped them bring girls from Uzbekistan and Turkmenistan to India. The applicant/accused had helped bring the victims through procurement of visas and if the same was not given to the victims the present applicant/accused would manage to facilitate the entry of the victims through illegal means via Dubai to Nepal and then in India.

9. This Court notes that the trial in the instant case is at a very initial stage and charges have not been framed yet by the learned Trial Court. Also, there are 34 prosecution witnesses to be examined who are prone to influence and pressure and, thus at this stage, this Court is not inclined to grant bail to the present accused/applicant.

10. In view of the same, the present application stands dismissed.

11. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

12. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 1, 2024/ns