

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 22971 of 2017**

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PRAVINBHAI NATHUBHAI NAYAK

Versus

STATE OF GUJARAT

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Appearance:

MR PRATIK B BAROT(3711) for the PETITIONER(s) No. 1

MS SHRUTI PATHAK, ADDL.PUBLIC PROSECUTOR for RESPONDENT
No.1

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CORAM: HONOURABLE MS JUSTICE SONIA GOKANI**Date : 03/10/2017****ORAL ORDER**

1. When this matter came up for hearing on
September 19, 2017, this Court passed the
following order :

*"1. This Court on 15.9.2017 passed the
following order:-*

*1. This is an application for regular bail
preferred by the applicant before filing of
the chargesheet in connection with III-
C.R.No.268 of 2017 registered with Godhra
Town 'A' Division Police Station, District
Panchmahals on 18th August, 2017 for the
offences punishable under Sections 65 E,
65B, 65A, 116B, 81, 98(2) of the Gujarat
Prohibition Act.*

2. Issue RULE, returnable on September 19, 2017. Ms.Punani, learned Additional Public Prosecutor waives service of notice of Rule for and on behalf of the respondent State.

3. Liquor has been found, from five minor girls who are aged twelve years, fourteen years and sixteen years from the school bag, in huge quantity.

4. Investigating Officer shall remain present personally with the papers of investigation.

5. The present status of those five girls and details of their residences and parents shall be placed before this Court on returnable date i.e. September 19, 2017.

2. Investigating officer Ms.Sejal D. Patel, Police Sub-Inspector, Godhra town police station is present before this Court. On inquiry, she submits that the girls, who are in conflict with law have been bailed out by the Juvenile Court. Out of five girls, two pairs are of sisters and one is an orphan. They were handed over to the parents, who are carrying on masonry work at Surat. She further submitted that the parents possibly were aware of the

activities of the girls, who were twice sent in the month to collect liquor from Dahod. She, of course, has yet to reach to the source. They have not studied at all and have not even seen school for a day.

3. This Court has noticed that one of the girls is merely 11 years old. It is a matter of extreme concern that these young girls in the age group of 11 to 14 years have been used as carriers in the business of prohibited goods of English liquor. Investigation, since, is going on, Investigating Officer is directed to go to the root of the matter to reach to the real culprit. Investigating Officer shall be given all required assistance including work force by her superiors in her endeavour to execute the order of this Court in letter and spirit.

4. As per the report of investigating officer, the girls in conflict with law are residing at Surat with her parents, who being totally illiterate with their exposure to the world of crime are likely to be more vulnerable with the passage of time, it would be apt to expect deputation of responsible officer from the Special Juvenile Police Cell not below the rank of Deputy Commissioner of Police. The

Commissioner of Police, Surat is requested to select the officer for the said purpose, who shall also take assistance of officers of the Department of Child and Welfare and also of Non-Government Organisation (NGO) or any agency working for those juveniles, who are in conflict with the law, for ameliorating the plights of those five girls. Let a report of progress in this direction be sent to the Court through the office of the learned Public Prosecutor within 10 days.

5. This matter shall be placed for further hearing on 3.10.2017.

6. Copy of this order be given to learned Additional Public Prosecutor for onward communication to the Investigating Officer, the Police Commissioner, Surat and to the Superintendent of Police, Godhra for due implementation."

2. Today, a report has been received from the Commissioner of Police, Surat, who has reported that pursuant to the directions issued by this Court, under his guidelines, the Deputy Commissioner of Police, Zone 4, Surat, had called the girls in conflict with law and also

the parents of those five girls in presence of the counsellor. They have been given the guidance in respect of the children in conflict with law and the possibility of their being re-established in the society and in the family by rendering them the vocational training for courses like sewing, Menhadi, beauty parlour, etc. Since the said girls and their parents desired not to continue to stay at Surat and also desired to go back to Dahod, the District Children Protection Unit, Surat, spoke to the Children Welfare Committee, Dahod, telephonically and also expressed the desire of the said girls and their parents to obtain training and, therefore, on September 03, 2017, they were sent at Child Welfare Committee at Dahod. Even the local leaders and the Sarpanch of the concerned village had also been intimated about the same. For vocational training, the Non-governmental Organisation (NGO) Sahaj was to render such training to these girls. Thus, not only they have been reunited in their family, but the entire event has been recorded. The

statements of parents of these girls have also been recorded, which has been sent with photographs.

3. The learned Additional Public Prosecutor has urged that this will be followed up by the Child Welfare Committee in the Child Protection Unit. The present Superintendent of Police was also overseeing the continuous guidance and counselling of these girls.

4. This Court expresses its satisfaction over the report submitted by the Commissioner of Police, Surat and also appreciates the promptness with which he had acted in collaboration with all other authorities. It is being reiterated that the District Superintendent of Police, Dahod District, shall oversee that the process does not stop here and both the other authorities i.e. Welfare Committee and the District Child Protection Unit shall make them self-sufficient and shall ensure the same. In the event of any guidance, the District Superintendent of Police, Dahod, shall consult with the Commissioner of

Police, Surat.

A copy of this order shall be provided to the learned Additional Public Prosecutor for its onward communication.

So far as regular bail application of the applicant is concerned, the investigation in the matter is still going on and at this stage, the learned counsel for the applicant, on instructions, requests this court to permit him to withdraw the present application with appropriate liberty.

The permission as sought for is granted. The application stands disposed of as withdrawn with liberty to approach this Court after filing of the chargesheet.

(MS SONIA GOKANI, J)

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