



2025:DHC:5294



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**Date of Decision: 03.07.2025**

+ BAIL APPLN. 585/2024  
MOHD ARUP

.....Petitioner

Through: Ms. Nisha Priya Bhatia, Mr.  
Rakesh Kumar Yadav, Mr.  
Ravi Ranjan Kumar, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP  
for State with Insp. Manoj  
Dahiya, AHTU/ Crime Branch,  
SI Vikas Malik, P.S. EOW,  
Delhi.

**CORAM:**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**SHALINDER KAUR, J (ORAL)**

**CRL.M.A. 18407/2025, CRL.M.A. 18411/2025 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

**BAIL APPLN. 585/2024, CRL.M.A. 8855/2024, CRL.M.A.  
18406/2025**

3. The present bail application under Section 439 read with 482 Code of Criminal Procedure (Cr.P.C.) has been filed by the petitioner seeking grant of Regular Bail in FIR No. 148/2022 dated 22.07.2022 for offences under Sections 3, 4 and 5 of Immoral Traffic (Prevention)



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Act, 1956 (ITP Act) and 370 & 120B Indian Penal Code (IPC) registered at Police Station Crime Branch (South).

4. The tabulated statement, reflecting the arrest of the Petitioner and the progress of Trial before the learned Trial Court, is filed by the learned counsel for the petitioner, same is taken on record and the copy is furnished to the learned APP.

5. The brief facts are that various complaints were received at the Anti-Human Trafficking Unit (AHTU), Crime Branch, Delhi, informing that women from foreign countries specifically from Uzbekistan, were being trafficked into India *via* Nepal and forced into prostitution in Delhi. Acting upon the said complaints, the Senior Police Officers ordered for legal action to be taken. Inspector Pramod Kumar deputed Constable Sohanveer to gather more information and various informer sources were activated.

6. On 21.07.2022, the secret informer informed Constable Sohanveer that one woman namely Aziza W/o Ahmed, resident of Sunlight colony and belongs to Uzbekistan was instrumental in bringing few women to India from Uzbekistan through Nepal. These women were to be brought in Malviya Nagar area and kept in residential flats for the purpose of prostitution and sex slavery. One of the agent namely Vishal was contacted by the secret informer to obtain information about the aforesaid foreign national women. It was further informed that on 22.07.2022, around 4:00-04:30 PM, some foreign national women would be provided for paid sex and the deal would be negotiated at Flat No. B-49, Second Floor & Third Floor,



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Malviya Nagar, Delhi.

7. On 22.07.2022, on the basis of receipt of secret information, a raiding party was prepared. Constable Sohanveer was deputed as a Decoy Customer and ASI Rajesh was a Shadow Witness. Contact was made with the agents through WhatsApp. On finalisation of deal for paid sex, decoy customer was handed over Rs. 15,000/-, after noting the numbers of the currency notes. Thereupon, the Decoy Customer along with the Shadow Witness reached at the aforementioned flat. The decoy customer inside the flat and contacted the agent i.e. Mohd. Arup (petitioner) and co-accused Chande Sahni @ Raju (co-accused). The agents produced 10 foreign national women and referred them for paid sex. Thereupon, the raid was conducted and both the agents were arrested, leading to registration of FIR No. 148/2022 dated 22.07.2022 for offences under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956 (ITP Act) at Police Station Crime Branch (South).

8. During the course of investigation, it came forth that the above named two agents used to provide foreign national women for the purpose of paid sex in exchange of money. They would showcase 10 different foreign national women to the customer, to choose from, for paid sex. Rs. 15,000/- for making the final deal was recovered from possession of the petitioner. On search of both the agents, 04 mobile phones, which were used in the commission of crime, were also recovered.

9. All the 10 foreign national women were interrogated by the Police team and were asked to produce their Visas and Passports but



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they failed to produce any legal document for their stay in India. Accordingly, a separate FIR No. 150/2022 dated 23.07.2022 u/s 14 of Foreigners Act was registered at Police Station Crime Branch (South).

10. During the sustained interrogation of the petitioner, he disclosed that he along with co-accused Chande Sahani @ Raju and Vishal were employed by Aziza and her husband Ahmed. The petitioner further disclosed that at the instance of Aziza and Ahmed, he used to bring customers for providing foreign national women for paid sex. He was working as a Manager at a salary of Rs. 20,000/- per month.

11. The status report reveals that under the instructions from Alisher Tillabaev, Jumayeva Aziza, Meredov Ahmed and others, the petitioner would hand over the foreign national women to various agents operating in Delhi, Gurugram and rest of India. Both the accused persons disclosed that the main king pin behind this prostitution racket were accused persons Alisher Tillabaev, Jumayeva Aziza, and Meredov Ahmed.

12. Thereafter, at the instance of the petitioner, Jumayeva Aziza, and Meredov Ahmed were arrested from their house and 08 passports along with 14 mobile phones and 05 one time travel documents were recovered from the possession of Meredov Ahmed. Hence, on the basis of further investigation, Section 370/120B/366B/465 of the Indian Penal Code, 1860 and Section 14 of the Foreigners Act were invoked in the present case.

13. Upon conclusion of the investigation, a Chargesheet was filed on 21.09.2022 and further investigations led to filing of subsequent



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supplementary chargesheets.

14. On 15.03.2023, Charges under various Sections of the IPC and Sections 3/4/5 of the Immoral Traffic (Prevention) Act were framed against the accused persons and the petitioner has been Charged for offences punishable under Sections 370/120B IPC and 3/4/5 of the ITP Act read with 120B IPC. He is facing Trial upon the said Charges before the learned Trial Court.

15. To seek Regular Bail, Ms. Nisha Priya Bhatia, the learned counsel for the petitioner submits that the petitioner has cooperated throughout the course of investigation and, within less than two months of registration of the FIR, a Chargesheet running into 989 pages came to be filed. This, she submits, underscores the cooperative attitude of the petitioner during the investigation. She submits that the petitioner has clean antecedents, he is semi-literate and an immigrant Taxi driver from Bihar, who has no role in the trafficking racket as alleged in the present case.

16. Strenuously pleading parity with co-accused Chande Sahani @ Raju, the learned counsel submits that the said co-accused is similarly placed with the petitioner having been assigned an identical role in the prosecution case and has already been granted bail by this Court. Thus, she prays, on the ground of parity, the petitioner be also admitted to Regular Bail.

17. The learned counsel submits that though prosecution has cited 50-56 witnesses but has been able to examine only 02 witnesses and the third witness is undergoing cross-examination, thus, impressing



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upon the delay in trial proceedings, she submits, apparently the trial will take considerable time for conclusion and the petitioner is in custody since 23.07.2022, therefore, no useful purpose will be served to keep the petitioner in long incarceration.

18. The learned counsel further submits that the prosecution has allegedly relied upon the statements of 07 foreign national victims, out of which 05 have not appeared before the learned Trial Court for recording their testimony. *Vide* Order dated 17.12.2024, their names have been dropped from the list of witnesses by the learned Trial Court. She submits that the prosecution is now relying upon the sole testimony of PW 'ZK', which suffers from material contradictions and being an interested witness, her testimony is not reliable. The learned counsel further submits that since no other public witness remains to be examined, therefore, there is no apprehension against the petitioner that he would tamper with the evidence or influence the witnesses.

19. To conclude, the learned counsel submits that bail on humanitarian grounds be made available to the petitioner as he is the sole surviving parent of three minor children, his wife having unfortunately passed away on 03.11.2023, and there is no one else to take care of the children in his absence. She submits that it is clear from the status report that the minor children are with the neighbours in his native village and are surviving at their mercy. Therefore, the continued incarceration of the petitioner would irreparably prejudice the interest and welfare of the children.

20. The learned APP, appearing for the State, opposes the bail



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application and submits that the petitioner was actively involved in the offence of facilitating prostitution, forming part of an organized prostitution network. That the petitioner is a member of a wider syndicate indulging in human trafficking and in coercing foreign national women into prostitution. He has been one of the active agents of the accused persons and on their pay rolls. She submits that he has been deeply involved in the commission of offence, being a co-conspirator along with the other accused persons.

21. The learned APP submits that the role of the petitioner in the offences is fortified with recovery of two mobile phones at his instance from his house, which were used in the commission of the offence. Further, the currency notes in the sum of ₹15,000/-, which were handed over by the decoy customer to him at the time of striking the deal have been recovered from his possession.

22. To distinguish the role of the petitioner from the co-accused Chande Sahani @ Raju, the learned APP submits that the name of the co-accused does not appear in the statement of victim 'ZK' recorded under Section 164 CrPC. More so, the petitioner has been specifically identified by 'ZK' in her testimony recorded as PW-1 before the learned Trial Court. She submits that the law is well settled that the testimony of a single witness is sufficient to support the case of the prosecution, even if the other witnesses are not available.

23. The learned APP vociferously submits that the petitioner is a flight risk as he did not surrender before the Jail Superintendent after availing the benefit of *interim* bail granted to him *vide* Order dated



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16.11.2023 for a period of 45 days by learned ASJ. The petitioner failed to surrender within the stipulated time and had absconded, resulting into issuance of Non-Bailable Warrants and subsequent initiation of proceedings under Section 82 of the Cr.P.C. In these circumstances, she submits that, the petitioner poses a potential flight risk, particularly in view of the fact that he hails from the state of Bihar. Thus, given the gravity of the allegations and the petitioner's purported role in the said prostitution network, he ought not to be enlarged on bail.

24. Insofar as the submissions of the learned counsel for the petitioner with respect to minor children of the petitioner is concerned, the learned APP submits that the minor children of the petitioner are under the care of Mohd. Tanveer, which fact has been verified by the Police.

25. Having heard the learned counsel for the petitioner, the learned APP for the state and perused the record, the role assigned to the petitioner is that he is directly involved in the present FIR, being an agent of the kingpin and the allegations are serious in nature. It is alleged that the petitioner used to provide the foreign national women for the purpose of paid sex in exchange of money. He used to produce and showcase 10 foreign national women to customers, to choose from for the purpose of paid sex. During the Police raid, he was caught red handed at the actual location where these 10 foreign national women were kept for the purpose of sex slavery. A deal was struck with the decoy customer namely Constable Sohanveer, who had



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handed over Rs. 15,000/- for the deal and the said money was recovered at the instance of the petitioner. Moreover, two mobile phones used in the commission of the offence were also recovered from the petitioner.

26. It is also alleged that the petitioner was employed at the place of commission of offence since 2020. The petitioner was being well aware that the 10 foreign nationals were being trafficked and yet he engaged them for sexual exploitation in the said premises. The petitioner has already been Charged for offences punishable under Section 370/120B of the IPC and 3/4/5 of the ITP Act read with Section 120B of the IPC.

27. In so far, the argument on behalf of the petitioner that he is entitled to Regular Bail on the ground of parity with co-accused Chande Sahani @ Raju, it is to be noted that the role attributed to the co-accused, Chande Sahani @ Raju, is materially distinct from that of the petitioner. The victim 'ZK' has specifically named the petitioner in her statement recorded under Section 164 Cr.P.C., however, the name of co-accused Chande Sahani @ Raju does not surface in the said statement. She, while deposing as PW-1, has reiterated the same and has duly identified the petitioner during the trial. PW-1 has neither named nor referred to the said co-accused, Chande Sahani @ Raju, in either of her statements. Moreover, Rs. 15,000/- has been recovered at the instance of the petitioner. Therefore, the ground of parity sought to be invoked by the petitioner is wholly misconceived as the nature and extent of his alleged involvement in the commission of crime is



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distinguishable from that of the co-accused, Chande Sahani @ Raju. Furthermore, the petitioner was arrested at the spot along with co-accused when the Police raid was conducted.

28. Undoubtedly, subsequent supplementary Charge-sheets have been filed after the arrest of co-accused persons. The alleged prostitution network involves alleged trafficking of foreign national women and involuntary paid sex though the involvement of number of persons in the prostitution network across India, thus, 50-56 witnesses have been listed to be examined. After framing of Charges on 15.03.2023, the trial is at the stage of recording of statement of the prosecution witnesses.

29. Undisputedly, the petitioner was earlier granted *interim* bail by the learned ASJ, however, he failed to surrender within the prescribed time period and absconded. This conduct of the petitioner poses a significant flight risk specifically when he is not permanently residing in Delhi.

30. Though, the petitioner has taken the plea that his three minor children are without care and shelter since his wife has expired on 13.11.2023, however, in view of the status report filed by the Police at the time of grant of second *interim* bail to the petitioner on 17.12.2024, one Mohd. Tanveer is stated to be the Care Taker of petitioner's minor children and had got them admitted to APJ Abdul Kalam Academy, Katihar, Bihar. The petitioner had also taken the plea that after the death of his wife, he had got the three minor children admitted in the said Academy and the receipts in support



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thereof have been placed on record.

31. As per the fresh status report, Mohd. Tanveer had informed the Police that the children of the petitioner are currently being taken care of by him along with the assistance of other neighbours. The status reports, thus, reveal that the minor children of the petitioner were lodged in APJ Abdul Kalam Academy, Katihar, Bihar either by Mohd. Tanveer or by the petitioner himself. They are under the care of Care Taker Mohd. Tanveer.

32. In conspectus of these facts and circumstances, at this stage, no ground has been made to enlarge the petitioner on bail, however, the petitioner shall be at liberty to approach this Court with a successive bail application, if there is any material change in the circumstances.

33. Accordingly, the present Bail Application stands dismissed.

**SHALINDER KAUR, J**

**JULY 3, 2025/KP**

*[Click here to check corrigendum, if any](#)*