

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13985 of 2023

Applicant :- Dileep Kumar And Another

Opposite Party :- State Of U.P Thru. Prin. Secy. Deptt. Home Civil Sectr. Lko.

Counsel for Applicant :- Akash Dikshit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Shri Akash Dikshit, learned counsel for the applicants and Sri Jayant Singh Tomar, learned AGA-I and perused the record

2.The instant application has been filed seeking release of the applicant on bail in Case Crime No.220 of 2023, under Section 370(5) IPC, Police Station - GRP, Charbagh, Lucknow, District -Lucknow.

3.The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.06.2023 against two persons, i.e. the applicants, alleging that the accused persons were taking eleven children to Haryana for engaging them in child labour activities.

4. In the affidavit filed in support of bail application, it has been stated that the applicants are innocent, they have been falsely implicated in the present case and they have no criminal history.

5. It has further been stated that all the children were aged 14 years and above.

6. Learned counsel for the applicants has submitted that as the person being taken by the accused persons were above 14 years of age, they would not fall within the definition of child under Section 2(ii) of the Child Labour (Prohibition and Regulation) Act, 1986. He has further submitted that there is no allegation that the persons were being taken under threats or by using force or fraud etc. and, therefore, the offence under Section 370 is also not made out.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the applicants are 23 and 21 years old person having no criminal history and they are languishing in jail since 08.06.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicants on bail in the aforesaid crime.

9. Accordingly, this bail application stands allowed.

10. Let the applicants- **Dileep Kumar and Shivam Kumar** be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) the applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 28.11.2023

Renu/-