

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14900 of 2023

Applicant :- Jameel Akhtar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. Lucknow

Counsel for Applicant :- Atul Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Shri Atul Kumar, learned counsel for the applicant, Sri Arpit Kumar, learned AGA.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0234 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 four persons, including the applicant, alleging that the accused persons were taking nine children to Punjab for engaging them in child labour activities.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. It has further been stated that all the children were aged about 14 years.
6. Learned counsel for the applicant 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. It has also been submitted on behalf of the applicant that the co-accused persons namely, Indal Mandal and Guddu Kumar Puri have already been granted bail by this Court by means of orders dated 19.10.2023 and 28.11.2023, passed in Criminal Misc. Bail Application Nos. 12500 of 2023 and 13976 of 2023 respectively.

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 applicant is a 30 years old person having no criminal history and he is languishing in jail since 15.06.2023 whereas two co-accused persons have been granted bail 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 applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant- Jameel Akhtar** be released on bail in Case Crime No.0234 of 2023, under Section 370(5) IPC, Police Station - GRP, Charbagh, Lucknow, District -Lucknow 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 applicant shall not tamper with the prosecution evidence;

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

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

Order Date :- 18.12.2023

Vipul