

GAHC010089862024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1302/2024

MOJIBUR RAHMAN
S/O ABDUL KADIR
R/O ITAPARA
P.S. NAGAON SADAR,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

06.05.2024

Heard Mr. A M Bora, learned senior counsel for the petitioner, assisted by Mr. V A Chowdhury, Advocate as well as Mr. B B Gogoi, learned Additional Public Prosecutor, Assam.

By this application, filed under Section 439 CrPC, the petitioner, namely, Mojibur Rahman, has prayed for release on bail in connection with Nagaon P.S. Case No. 360/2024 registered under Sections 120(B)/370(1)/370(4) of the Indian Penal Code read with Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015

and read with Section 14 of the Child Labour (Prohibition and Regulation) Act, 1986.

The petitioner owns a brick manufacturing unit. In his unit, two children, aged about 13 years and 17 years were found to be employed for manufacturing bricks. Those children are also paid their salaries. The police official, who filed the FIR, alleges that child labour was used by the petitioner and they were also using as bonded labour.

Mr. Gogoi, learned Additional Public Prosecutor has submitted that the Case Diary should be called for so that the statements of the two boys can be gone through.

I have considered the submission made by the learned counsel for both the sides. I have decided that for consideration of the bail prayer of the petitioner, perusal of the case diary is not necessary in this case. On the other hand, both the boys are also recovered where they were engaging in lieu of salary. Moreover, Section 14 of the Child Labour (Prohibition and Regulation) Act, 1986 is a bailable offence.

For this reasons, the petitioner does not deserve to be detained in custody for any further period of time. Hence, the prayer for bail of the petitioner is allowed.

Accordingly, it is directed that the petitioner Mojibur Rahman, who was arrested in connection with Nagaon P.S. Case No. 360/2024 registered under Sections 120(B)/370(1)/370(4) of the Indian Penal Code read with Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and read with Section 14 of the Child Labour (Prohibition and Regulation) Act, 1986 shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The bail application is disposed of.

JUDGE

Comparing Assistant