

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1073 OF 2015

Mohammad Hifzur Rahaman alias .Applicant
Bacchu Shaikh

v/s.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1089 OF 2015

Mohd. Matiullah Akhtar Husain .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Yashpal Thakur i/b. Mr.Akram Kapoor,
Advocate, for the Applicants
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.08.2015

P.C.

. Heard learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By these applications, the applicants seek pre-arrest bail in connection with C.R.No.60 of 2015 registered with the Sewree Police Station, Mumbai, for the alleged offence punishable under Section 370(1) r/w.34 of the Indian Penal Code, 1870, under Sections 3 & 14 of the Child Labour Act and under Sections 23 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

3. On 10.06.2015, a raid was conducted at Kaula Bandar Zopadpatti, Next to Ayyappa Mandir, New Tank Bandar Road, Darukhana. It is alleged by the prosecution that some minor children were engaged in the stitching and making of leather bags. In the said raid, seven minor children were rescued and an FIR was lodged as against the accused persons including the present applicants.

4. Learned counsel for the applicants states that FIR does not disclose the commission of an offence punishable under Section 370(1) of the Indian Penal Code, 1870. As far as rest of the sections are concerned, he submits that the same are bailable.

5. Learned APP opposed the Anticipatory Bail Applications.

6. Prima facie, it appears that in the facts of the present case, Section 370(1) may not be applicable. As far as rest of the sections are concerned, the same are bailable. The rescued children have gone back to their parents. Considering the peculiar facts of the case, the applications are allowed and the applicants are granted pre-arrest bail on the following terms and conditions:

(i) In the event of arrest, the applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount;

(ii) The applicants shall attend Sewree Police Station, Mumbai on every Saturday between 10.00 a.m. to 11.00 a.m. till filing of the charge sheet.

7. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

8. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)