

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1090 OF 2015

Imtiyaz Noorulhaque Shaikh .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Yashpal Thakur i/b. Mr.Akram Kapoor,
Advocate, for the Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.08.2015

P.C.

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

2. By this application, the applicant
seeks pre-arrest bail in connection with
C.R.No.61 of 2015 registered with the Sewree
Police Station, Mumbai, for the alleged offences
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. The applicant is the owner of the premises where a raid was conducted. In the said raid, it is alleged that some minor children were found engaged in stitching and making of leather bags.

3. Learned counsel for the applicant submits that section 370(1) of the Indian Penal Code is not applicable to the facts of the present case. As far as rest of the sections are concerned, he submits that the same are bailable. The learned counsel disputes that the rescued children were minors. He submits that it is not the case of the prosecution, that the children were exploited by using any force, coercion or threats.

4. Learned APP opposed the Anticipatory Bail Application.

5. Perused the papers. Prima facie, the applicability of Section 370(1) of the Indian Penal Code to the facts of this case is doubtful. Rest of the sections that have been applied are bailable. It is informed that the children have gone back to their parents. Considering the peculiar facts of the case, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions:

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

(ii) The applicant 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.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. 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.)