

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1905 OF 2015**

Morsalim Jalal Mandal & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket U. Nikam for the Applicants

Mr. S. S. Pednekar, A.P.P for the Respondent-State

PSI Mr. Vijay M. Koli from Faraskhana Police Station is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 1st OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 177 of 2015 registered with the Faraskhana Police Station, Pune, for the alleged offences punishable under Section 370 of the Indian Penal Code, under Sections 3 and 14 of the Child Labour (Prohibition and Regulation) Act and under Sections 23 and 24 of the Judicial Justice Act.

3. Learned Counsel for the applicants states that the applicants are Goldsmiths by profession and that out of the three children who were found working with them, two were related to the applicant No. 1 and one child was above the age of 14 years. He submits that considering the same, no offence whatsoever is disclosed qua the applicants. He submits that two of the children who were found working with applicant Nos. 1 and 2 were both related to applicant No. 1 and that affidavits to that effect have been filed before the Child Welfare Committee by the parents of the said children. As far as the third child is concerned, he submits that the said child was aged 14 years and 5 months and as such the Child Labour Act would not apply. He submits that in the circumstances, there was no question of even alleging an offence of human trafficking punishable under Section 370 of the IPC.

4. Learned A.P.P does not dispute the aforesaid statement that the two children found were related to the applicant No. 1 and that the age of the third child was above 14 years.

5. Considering the material on record, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station as and when called for, till the filing of the charge-sheet;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicants to cooperate with the conduct of the trial;

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 *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
order.
