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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 22nd September, 2015

+ **Bail Appln No.2009/2015**

RACHNA KANSAL

..... Petitioner

Represented by: Mr.S.K.Sharma, Mr.Rahul
Sharma, Mr.Prayas Aneja,
Mr.Archit Vasudeva, Advs.

versus

STATE

..... Respondent

Represented by: Mr.Sudhershnan Joon, APP
for the State with SI Yogesh
Kumar, PS S.J.Enclave, New
Delhi.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A. No.13991/2015 (Exemption)

Exemption allowed, subject to all just exceptions.

Accordingly, the application is allowed.

BAIL APPLN. 2009/2015

1. Vide instant petition, petitioner seeks a direction thereby directing the Investigating Officer to release her in the event of her arrest in case FIR No.647/2015 registered at police station Safderjung Enclave, New Delhi for the offences punishable under Sections 3/14 of the Child Labour (Prohibition & Regulation) Act, 1986 and Section 23/26 of the Juvenile Justice Act, 2000.

2. Learned counsel appearing on behalf of the petitioner submits that the child in question was employee of her husband and used to do petty works at house, who was rescued by a NGO and thereafter above noted FIR was registered. The statement of the child was recorded by Child Welfare Committee wherein it is stated that he was brought to Delhi by one Jahaman, his cousin brother and he was studying in 6th standard at that time. His cousin was working in Delhi and also put him in employment with the husband of petitioner. They used to pay an amount of Rs.4,000/- per month with food and drinks. Accordingly, they used to send Rs.2,000/- per month to his father in every 5-6 months. The family used to provide home food which they had cooked up for themselves. He used to work from 06.00 AM to 12 PM midnight.

3. He further stated that they used to take him also for outings with the family. He narrated one incident that while he was eating *namkeen* petitioner came and beaten him with spoon and wiper. The similar version has also been recorded in the statement of child under Section 164 of the Cr P C.

4. It is not in dispute that except one incident the child has not made any allegations either against the family members including husband or the petitioner. It is also not disputed that the child was treated as a family member, however, they used to take work from him from 06.00AM to 12.00 PM night. They were paying him the agreed amount. No amount is alleged to have been withheld by them. As per direction of the Child Welfare Board, they deposited an amount of Rs.1.71 Lac. Moreover, the employer of the child i.e. father of the petitioner was granted anticipatory bail vide order dated 18.08.2015.

5. Without commenting upon the merits of the case, I direct the Investigating Officer/SHO concerned to release the petitioner on bail in the event of her arrest, on her furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount to their satisfaction. It is also directed that petitioner shall inform the Investigating Officer/SHO concerned about any change in her address or of the surety.

6. In above terms, instant application is allowed and disposed of.

7. Order *dasti*.

SURESH KAIT
(JUDGE)

SEPTEMBER 22, 2015

M/RS