

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.840 OF 2016

Anil Bholenath Yadav ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Brijesh Shukla for the Applicant
Mrs.P.P. Shinde, APP, for Respondent – State
Mr.Suryakant Pawar, PSI, Oshiwara police station - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 20, 2016**

P.C.:

1. The application is moved for bail as the applicant-accused is prosecuted for the offences punishable under sections 370(1) and 374 of the Indian Penal Code, under sections 3 and 14 of the Child Labour (Prohibition and Regulation) Act, 1986 and also under sections 23 and 26 of the Juvenile Justice Act. The offence is registered at the instance of one Santosh Raghunath Sumbe, a police constable. The police, on information, raided the premises of the workshop of the applicant-accused at Behrambaug Road, Jogeshwari (West), Mumbai and found that three minor children – two aged 16 years and one aged 15 years, were making electric switches. So, the applicant-accused who was the owner of this workshop was arrested and the offence was registered at C.R. No.157 of 2016 at Oshiwara police station on the same day i.e., 21.3.2016.

2. The learned Counsel for the applicant submits that since then, he is in custody. He has not committed any non-bailable offence. All the offences are bailable.

3. Learned Prosecutor confirmed that the children, whose names are mentioned in the FIR and who were found at the workshop are all above 14 years.

4. Perused the papers. As per the definition of 'child' under section 2(ii) of the Child Labour (Prohibition and Regulation) Act, 1986, 'child' means a person who has not completed his 14th year of age. In view of this, prima facie, the offence under section 370(1) of the Indian Penal Code is not made out. In the circumstances, I grant bail to the applicant on the following terms:

- i) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount;
- ii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;
- iii) The applicant-accused shall not indulge into any criminal activity and shall attend on all the Court dates;

iv) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

v) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

5. Bail application is disposed of accordingly.

(MRIDULA BHATKAR, J.)