

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1036 OF 2016

Kamal Ahmed Fazlur Rehman .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

Mr.Prakash Vare i/b Ms.Prachita P. Vare, Advocate for the applicant.

Mrs.Aruna S. Pai, APP for the Respondent State.

CORAM : PN. DESHMUKH, J

DATED : 21st JULY, 2016.

P.C. :

1 Heard learned counsel for both sides.

2 Applicant involved in Crime No.749 of 2015 registered with D.N. Nagar Police Station for the offence punishable under section 370(1) r/w Section 34 of the IPC and Section 3, 14 of Child Labour Act r/w Section 23 and 26 of Juvenile Justice Act, has sought Anticipatory Bail.

3 Learned counsel for the applicant has submitted that applicant is owner of the premises, where raid came to be conducted on 3rd December 2015 and two minor boys aged 14 and 15 years were found employed as waiters in the Hotel. It is the case of the applicant that he being owner, was not present, but the

Hotel is managed by Shabbir Ahmed Nazar Mohd.Siddique – Manager who is co-accused and is released on bail.

4 Learned APP has submitted that after the incident, both the minor boys were for some time kept in the remand home, and thereafter, are now given in custody of their parents.

5 It appears that the involvement of applicant is in his capacity as owner of Eating House and employed two minor boys as waiters at Hotel Noor, and accordingly, offence came to be registered. However, according to learned APP, during the course of investigation, it revealed that there was only one boy found in said Hotel. In that view of the matter, and as minor is already stated to be given in custody of his parents, interim protection granted to applicant is liable to be confirmed on same terms and conditions.

6 Learned APP, on instructions from Investigating Officer Shri A.B.Kshirsagar states that no more presence of applicant is required for investigation.

7 In the event, Application is allowed.

(PN. DESHMUKH, J)