

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1092 OF 2016

Nandlal Badrinath Menaria

.... Applicant

Versus

State of Maharashtra

.... Respondent

Mr. Harsh Desai I/b Chetan Damre, for Applicant.
Ms. S. S. Kaushik, APP for State.

CORAM : A. S. GADKARI, J.
DATE : 22nd AUGUST, 2016

P. C.

1. The applicant is apprehending arrest in CR No. 87/2016 registered with Jogeshwari Police Station, Mumbai dated 9.6.2016 under Section 370 (1) of Indian Penal Code read with Sections 3 & 14 of Child Labour Act and Section 75 & 79 of Juvenile Justice (Care and Protection) Act.

2. The First Information Report is lodged by the Police Officer attached to Jogeshwari Police Station, Mumbai. It is specifically stated in the first information report that, after receipt of confidential information that in the establishment of the applicant the children from other states have been brought and they are being exploited physically by forcing them to labour work. It was the

further specific information that the said children were forced to work day and night without providing them the basic necessities. In view of the confidential information received by the police, a raid was conducted on the establishment of the applicant on 9.6.2015. During the course of the raid, a boy namely Gopallal Kalulal Rawat, aged about 13 years was found present on the scene of offence. When the police enquired with the said boy, he has specifically stated that the applicant had brought him from his native place from District Udaypur (Rajasthan) for doing the work of panipuri and he was forced to do the said work from morning to evening and for doing the said work, he was provided two times' meals. After the police realized that the said child was forced to do the labour work against his will, the police have recorded the present first information report.

3. The learned counsel appearing for the applicant submitted that in pursuance of the order dated 30.6.2016, the applicant has attended the Investigating Officer and there is no need of his custodial interrogation. It was further submitted that in fact the child is son of the friend of applicant and at his own will he came for work. He submitted that the present application may be allowed.

4. It is to be noted here that on the day of conducting the raid at the establishment of the applicant, the aforesaid minor child was found on the spot preparing the food articles. The said child has stated to the police that he was being forced to do the said work by the applicant and except providing two times' meals he was not

being paid the necessary remuneration for the same. It has further stated that no proper care of him was also being taken by the applicant.

5. The applicant has been charged with Sections 370 (1) of the Indian Penal Code. The allegations against the applicant are very serious in nature. After taking into consideration the serious allegations against the applicant and the gravity of the offence, I am of the considered opinion that this is not a fit case to grant pre-arrest bail.

6. The application is accordingly rejected.

(A. S. GADKARI, J.)