

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1264 OF 2016

Tauseef Rashid Ansari

... Applicant

vs.

The State of Maharashtra

... Respondent

Mr. Kamran Shaikh, Counsel for the applicant.

Ms. R. M. Gadhvi, A.P.P. for the State/respondent

Smt. Priya Shrikant Garud, PSI, Chunabhatti Police Station.

Coram : N. W. SAMBRE, J.

Date : 15th November, 2016

P.C. :

1. The applicant is seeking pre-arrest bail in Crime No.158 of 2016 for the offence punishable under Sections 370, 374, 34 of Indian Penal Code and Sections 75 and 79 of the Protection of Child & Care Act. The allegation against the applicant as reflected in the FIR is the applicant has employed a minor child for carrying out the business of bakery.
2. The age of the victim Raju Abdul Sehwan, who was employed by the present applicant, is claimed to 13 yrs.
3. Apart from above, the solemn statement made by the learned counsel for the applicant upon instructions of the

applicant that the applicant henceforth shall not employ any minor in the employment as is alleged against him in the F.I.R. He should furnish an undertaking to that effect in the form of affidavit within a period of three weeks from today with a copy thereof to the Investigating Officer. It is made clear that, if the undertaking is not furnished and the copy is not served upon Investigating Officer as observed hereinabove, the Investigation Officer may bring the same to the notice of this Court for cancellation of bail.

4. The factual matrix as reflected in the case-paper and after hearing the learned A.P.P., prima facie, this Court of the opinion that the custodial interrogation of the applicant in the background is not called for as he is very much available for the investigation and prosecution. There are no criminal antecedents. There is no material to infer prima facie involvement of the applicant for an offence punishable under Section 370 of I.P.C.

5. In view thereof, in the event of arrest he be released on bail on executing P. R. Bond of Rs.50,000/- with one surety in the like amount and shall attend police station consecutively on four Mondays between 1 p.m. to 4 p.m in addition to as and when called. Application stands allowed in above terms.

[N. W. SAMBRE, J.]