

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO. 524 OF 2017

Ikrar Mehdihasan Khan Vs The State of Maharashtra

**Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.**

Court's or Judge's orders

M.r. Subodh Desai i/b Aditya Sawant for applicant.
Mr. Arfan Sait, APP for State.
Mr. Sushilkumar Gaikwad, A.P.I., Nerul Police Station present.

CORAM : A.S. GADKARI, J.

DATE : 18th April 2017.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No I-311 of 2016 dated 8.9.2015 registered with Nerul Police Station, Navi Mumbai under Sections 370(1) of the Indian Penal Code and under Sections 3,14 of the Child Labour Act and under Section 75 and 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2] It is the prosecution case that, the applicant is the owner of the Saurabh Bakery situated at Nerul. That on 8.8.2016 the police conducted raid on the said bakery and found that two minor children namely Manjeet Singh aged about 16 years and Sonu Khan aged about 13 years and 8 months were employed in the said bakery. The police therefore registered the present first information report against the applicant. After completion of investigation, the police have filed chargesheet.

3] I have perused the record annexed to the application. The record reveals that the father of Manjeet Singh in his statement to the police has stated that Manjeet Singh left his house from Uttar Pradesh without informing him anything. The father of Sonu Khan in his statement has stated that due to financial problems, he permitted his son to work with the applicant in his bakery. It prima facie appears that due to utter poverty, and for survival the said two children accepted the employment with the applicant. During the course of investigation, the applicant was arrested on 8.8.2016 and since then he is in jail. The police have submitted chargesheet on 4.11.2016. In view thereof, no purpose will be served by further incarceration to applicant. In view of the peculiar facts of the present case, the applicant deserves to be released on bail.

4] Hence, the following Order:

- (i) The applicant shall be released on bail in CR No.I-311 of 2016 registered with Nerul Police Station, Navi Mumbai on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his released from jail, the applicant shall attend the Nerul Police station on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m. and shall mark his presence and shall also attend all the dates before Trial Court.
- (iii) The applicant shall not tamper with the witnesses or evidence, in any manner.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)