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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1608/2017**

MUNNA @ MD.ZIYAUR REHMAN Petitioner
Through: Mr.Jaideep Malik, Advocate

versus

STATE Respondent
Through: Mr. Ashish Dutta, APP for State with
ASI Ajay Kumar PS Nabi Karim

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **18.12.2017**

The status report on behalf of the State is on the record.

On behalf of the applicant it has been submitted that the affidavit that was placed before the Sessions Court on 15.7.2017 of the mother of the minor child who had erroneously given the name of her spouse as being Mohd. Akhtar and the affidavit filed by her had not been accepted by the learned trial court observing to the effect that the affidavit was not free from doubt.

It has been submitted on behalf of the applicant that the affidavit of the mother of the minor child had erroneously given the name of the father of the minor child as Mohd. Akhtar whereas Mohd. Akhtar is the father of Mst.Naseema Khatoon and it has been submitted that the copy of the Aadhaar Card of the mother of the child Feroz is placed on record as Annexure P-4 to the petition bearing

No.876238674226 which gives her father's name as Mohd.Akhtar.

Vide the application, the mother of the minor child stated that she had no complaint against the petitioner.

The Investigating Officer in reply to a specific court query submitted that the name of the child is Feroz s/o Lal Babu and Lal Babu is the husband of Naseema Khatoon and that Mohd.Akhtar is the father of Naseema Khatoon . The Investigating Officer in reply to a further court query had stated that the premises bearing No.AB-87, Second floor, Nabi Karim at which the child was found, there was no earlier factory being run by the petitioner. The work being done earlier at the said factory is stated to be of making of bags and does not appear to have been hazardous in nature. The birth certificate of the child as issued by the Government of Bihar gives the date of birth of the minor child Feroz 10.08.2001 and gives the name of the father as Lal Babu and the name of the mother as Naseema Khatoon. As per the said certificate the age of the child was indicated to be above the age of 14 years on the date when he was allegedly found. The ossification test gives the report of the age of the child being more than 12 years but less than 14 years.

Taking into account the factum that the factory premises run by the petitioner have since closed down, that the birth certificate of the child gives the age of the child more than 14 years and that the work done in the factory had not been hazardous in nature and that there are no previous adverse antecedents against the applicant, in the event of arrest, the applicant is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like

amount to the satisfaction of the trial court subject to the directions that the applicant shall join the investigation, shall not leave the country, shall not tamper with the evidence and shall not intimidate the witnesses and shall not commit any offence whatsoever.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 18, 2017/sv