

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 581 of 2019

- Santosh Kumar Sharma, S/o H.N. Sharma, Aged About 55 Years, R/o 53/6, Nehru Nagar West, Police Station- Supela, Tahsil and District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District- Magistrate, Durg, District- Durg, Chhattisgarh.

---- Respondent

&

MCRCA No. 652 of 2019

- Sanjeev Kumar Sharma S/o Late Shri Harinandan Sharma Aged About 49 Years R/o 44-B/1, Nehru Nagar (West) Bhilai, Thana Supela, Tahsil and District-Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate, Durg, and SHO Supela, Police-Station-Supela, District-Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Anmol Sharma with Mr. Vinay Pandey, Advocates.
For Respondent/State	:	Mr.Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/04/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection

with Crime No.259/2019 registered at Police Station-Supela, District – Durg(C.G.), for the offence punishable under Sections 3 of Child Labour Act and 79 of Juvenile Justice(Care and Protection of Children) Act.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against this applicant. The offence under Section 3 of Child Labour Act is bailable and the offence under Section 79 of Juvenile Justice Act is not made out. The children who have been recovered from the house of this applicant by the police, on the basis of complaint made by the complainant are not of age below 14 years. Apart from that the children have made statement before the police, that they were willingly residing and serving the applicants with consent of their parents, therefore, these applicants be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that section 79 of Juvenile Justice (Care and Protection of Children) Act is non bailable offence, therefore, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. Complainant Dr. Soma Nair, who claims to be the State Coordinator of Bachpan Bachao Andolan, filed a written complaint in police-station-Supela, making allegations against these applicants that they have engaged the children for child labour for their household. A raid was conducted by police in the house of these applicants and recovered one Rajesh aged 13 years from the house of applicant Shantosh Kumar Sharma and similarly one child labour name as Rajaram aged 15 years from the house of applicant Sanjeev Sharma. Hence, this

case.

7. After considering the facts and circumstances of this case and also the statement that has been given by the children who have been recovered from the house of these applicants, I am of this opinion that this is a fit case where applicant should granted anticipatory bail.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge