

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 772 OF 2022

Rama Baban Pokale

.. Appellant

Versus

The State of Maharashtra
Through the Police Officer
and another

.. Respondents

Ms. Sunita G. Sonawane, Advocate for the Appellant.

Smt. D. S. Jape, APP for Respondent No. 1.

Mr. R. N. Chavan, Advocate for Respondent No. 2 (Appointed).

**WITH
CRIMINAL APPEAL NO. 737 OF 2022**

Rava Haribhau Khatal

.. Appellant

Versus

The State of Maharashtra
Through the Police Station Officer
and another

.. Respondents

Mr. Z. H. Farooqui, Advocate h/f Mr. N. V. Gaware, Advocate for the Appellant.

Smt. D. S. Jape, APP for Respondent No. 1.

Mr. R. N. Chavan, Advocate for Respondent No. 2 (Appointed).

CORAM : KISHORE C. SANT, J.

DATED : 10th NOVEMBER, 2022.

P. C. :-

1. Heard learned advocates for the parties.

2. Considering the fact that, both the appeals are arising out of the same crime, the appeals are considered together and common order is passed.

3. The FIR came to be registered at the instance of one Mr. Baburao Sitaram Bhoir, a brother of one of the victims. It is alleged that the appellants are engaged in the practice of bonded labour. They have made children to work as bonded labours by taking custody from parents for paltry amount. The children were given the work of grazing sheeps. The children were made to work since 5.00 a.m. for entire day. The main allegation is against the appellant in Criminal Appeal No. 737/2022 that he has taken the child from custody of his parents namely Reshma Wagh. So far as allegation against the appellant in Criminal Appeal No. 772/2022 is concerned, it is alleged that he used to take work from children. The offence is thus registered under the provisions of Sections 16, 17 and 18 of the Bonded Labour System (Abolition) Act, 1976, Sections 3 and 14 of the Child Labour (Prohibition and Regulation) Act, 1986, Section 374 of the Indian Penal Code and also Section 3 (1) (H) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act') as the children happens to be belonging to Scheduled Caste.

4. The appellant in Criminal Appeal No. 772/2022 is in custody

since 08.09.2022 whereas, in Criminal Appeal No. 737/2022 the appellant is in jail since 11.09.2022. It is submission of the appellants that the maximum punishment under Section 3 (1) (H) of the Atrocities Act is five (05) years. Considering this, they deserves to be released on bail as they are in custody for about two (02) months.

5. Learned A.P.P., so also learned advocate for respondent No. 2 vehemently oppose the appeals stating that the appellants are involved in serious crime involving child. They appears to be racket of such persons which is required to be exposed. It is further submitted that if the appellants are released on bail, they will try to tamper with the evidence and would also pressurize with the witnesses as most of the witnesses are small children.

6. Considering the above submissions and mainly considering that the maximum punishment provided is five (05) years for the offence punishable under Section 3 (1) (H) of the Atrocities Act. It is not desirable to retain the appellants for long period in custody. A care is taken by imposing suitable conditions. Hence, the following order.

ORDER

(I) The appellants shall be released on bail on furnishing P.R. bond for an amount of Rs. 15,000/- (Rs. Fifteen Thousand only)

each with one solvent surety in the like amount.

(II) The appellants shall not enter into limits of Taluka Igatpuri, District Nashik till the trial is over except when called by the police. They shall keep the I.O. informed about their address and Mobile numbers and to make them available as and when required by the I.O. and if they are called by the I.O. to attend the police station.

(III) The appellants shall not try to contact any of the child witnesses and not try to pressurize them.

7. With these observations, both the appeals stand disposed of.
8. Learned advocate for respondent No. 2 is appointed by the Court through legal aid. He shall be entitled to receive the fees as per the rules.
9. Parties to act upon authenticated copy of this order.

(KISHORE C. SANT, J.)

P.S.B.