



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

CRIMINAL APPEAL NO. 375 OF 2025

Sopan Khandu Chitalkar And Others .. Appellants

Versus

The State of Maharashtra and another .. Respondents

Mr. S. S. Dixit, Advocate for the Appellants.

Mr. R. B. Dhaware, APP for Respondent No. 1.

Mr. Y. I. Thole, Advocate for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 13th JUNE, 2025.

P C. :-

. Heard learned advocates for the parties.

2. The present appellants have approached this Court seeking bail in the event of their arrest in connection with the offence registered with Ghargaon Police Station, Taluka Sangamner bearing FIR No. 0158/2025 dated 15.05.2025. The offence is registered under Sections 16, 17, 18 of Bonded Labour System (Abolition) Act (for short “Bonded Labour Act”), under Sections 3, 14 of Child Labour (Prohibition and Regulation) Act, under Section 3 (1) (h) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act) (for short “Atrocities Act”), under Sections 75, 79 of Juvenile Justice (Care and Protection of

Children) Act and under Section 146, 3(5) of Bhartiya Nyaya Sanhita, 2023. A challenge is raised to an order passed by the learned Additional Sessions Judge, Sangamner dated 23.05.2025 thereby rejecting the bail application.

3. The learned advocate Mr. Dixit for the appellants vehemently argued that, looking to the FIR and the allegations as it is, no offence is made out considering the provisions of Bonded Labour Act. All the sections are bailable. No ingredients of Section 3 (1) (h) of the Atrocities Act are attracted. He submits that, at the most allegation made against the appellant is that a child aged seven years belonging to Scheduled Caste/Scheduled Tribe was working with him as a bonded labour. In fact, getting work done from a child cannot be said to be coming under the definition of Section 3(1)(h) of the Atrocities Act it would attract. Section 3 (1) (h) of the Atrocities Act reads as under :-

3. Punishments for offences atrocities.—3[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a)

(b)

(c)

.....

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

4. The learned advocate for the appellants argued that, in the present case, there is no allegation that it is these appellants who have made any payment towards bonded labour. The act in the present case cannot be said to be act of bonded labour.

5. The learned A.P.P. and learned advocate Mr. Thole for respondent No. 2 vehemently opposes the application. It is submitted that, the act clearly attracts ingredients of Section 3 (1) (h) of the Atrocities Act. They rely upon the judgment in the case of People's Union for Democratic Rights and others Vs. Union of India and others reported in 1982 AIR Supreme Court 1473. It is held that, the Magistrate and Judges must view violations of labour laws with strictness. In the said case, in paragraph Nos. 5.8 and 5.9 the judgment in the case of Pallock Vs. Williams, 322 US 4:88 Lawyers Edn. 1095 is referred. Paragraph Nos. 5.8 and 5.9 read as below :

“5:8. Where a person provides labour or services to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words "forced labour" under Article 23. Such a person would be entitled to come to the court for enforcement of his fundamental right under Article 23 by asking the court to direct payment of the minimum wage to him so that the labour or service provided by him ceases to be 'forced labour' and the breach of Article 23 is remedied.

5:9. Ordinarily no one would willingly supply labour or service to another for less than the minimum wage, when he knows that under the law he is entitled to get minimum wage for the labour or service provided by him. Therefore when a person provides labour or service to another against receipt of remuneration which is less than the minimum wage, he is acting under the force of some compulsion which drives him to work though he is paid less than what he is entitled under law to receive. What Article 23 prohibits is 'forced labour' that is labour or service which a person is forced to provide.”

6. This Court finds substance in the arguments of the respondents. This Court finds that, prima facie, a case is made out attracting ingredients of offence punishable under Section 3 (1) (h) of the Atrocities Act. In view of bar under Section 18 of the Atrocities Act, this Court finds that, no relief can be granted to the appellants. The appeal, therefore, stands dismissed.

(KISHORE C. SANT, J.)

PS.B.