

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10859 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.134 of 2025 of Charminar Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that, on 04.08.2025, the District Child Protection Officer lodged a report with the Police stating that a special rescue operation was conducted at Shahran Market, Charminar, by a joint team. During the operation, several minor children were found working in various shops, in violation of child protection and labour laws. The petitioner is a shop owner engaged in jewellery making. He had employed child workers aged between 14 and 17 years, whom he brought from West Bengal, offering them Rs.6000/- per month. The children were made to work for 13-14 hours a day, and the petitioner provided them with food and accommodation. Based on the said complaint, the police registered a case *vide* Crime No.134 of 2025 for offences punishable under Sections 143, 143(4), 143(5) read with 3(5) of the Bharatiya Nyaya

Sanhita, 2023, Section 79 of the Juvenile Justice (Care And Protection Of Children) Act, 2015 and Section 3 read with 14 of the Child And Adolescent Labour (Prohibition And Regulation) Act, 1986 and Section 18 of the Bonded Labour System (Abolition) Act, 1976

3. Heard Mr. Mohammed Abdul Kalam Siddiqui, learned counsel appearing for the petitioner as well as Sri Arun Kumar Doddla, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was innocent of the alleged offences and that there was no conclusive age proof to support the allegations and that the complainant had relied solely on Aadhaar card entries to claim that the individuals involved were minors, without any independent witness to confirm that they were engaged in bonded labour. He further contended that Accused No.1 was merely a worker involved in jewellery making and did not own the premises in question and that the primary liability lies on the shop or building owner, and there was no evidence of human trafficking as alleged in the complaint. He further contended that there are procedural lapses in the rescue operation and the arrest of the accused and that the petitioner

were adolescents who had been apprehended while employed in occupations that were not classified as hazardous and that all the children were around 16 years of age and that their work did not fall under the category of hazardous occupations as defined in the G.O. of the Central Government. Therefore, prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the allegations against the petitioner were serious in nature and that the petitioner was involved in human trafficking, having brought minor children from West Bengal and employed them in hazardous work related to jewellery making, for a meager salary of Rs.5,000/- – 6,000/- per month. Considering the gravity of the allegations and that the investigation was still in progress and that, if released on bail at this stage, the petitioner might tamper with evidence or threaten witnesses, the prosecution prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, the first contention raised by the petitioner is that the alleged

offence does not fall under the category of hazardous occupation as specified in the Schedule of the Government Order issued by the Central Government. However, the prosecution contends that the case falls under Sl.No.25 of Part A “Grinding or glazing of metals” which, according to them, includes jewellery making. In response, the petitioner submits that the minor children were not engaged in grinding or glazing of metals, but were merely involved in ancillary jewellery related work, not in the actual process of jewellery making. Considering these submissions and noting that the petitioner having been arrested on 07.08.2025, and as per the remand case diary, the material portion of the investigation, including the examination of sixteen witnesses, has been concluded, this Court, finds it appropriate to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned Chief Judicial Magistrate, Nampally, Hyderabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 A.M., on every

Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 04.09.2025
SS

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