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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1347/2025**

MUSTAKIM MIYA@MUSKAN

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State with Mr. Nitin Kumar Poswal
and Mr. Gaurav Chaudhary,
Advocates.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

23.05.2025

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR No. 813/2015, registered at Police Station Bhalswa Dairy, Delhi for the offence punishable under Section 26 of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter '*JJ Act*'), Sections 3/14 Child Labour (Prohibition and Regulation) Act, 1986 (hereafter '*Child Labour Act*') and Section 370 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, the facts of the present case are that on 04.12.2015, four minor children, aged around 11 to 12 years, were rescued by the team of Labour Department and the local Police, from a bangle factory situated at Bhalswa Dairy. The children were produced before the Child Welfare



Committee for obtaining appropriate orders. It was found that the said bangle factory was being run by the present accused/applicant. Accordingly, the present FIR had been registered against the applicant for offence under Section 26 of JJ Act and Sections 3/14 of Child Labour Act. During the course of investigation, the statements of the rescued children were recorded under Section 164 of Cr.P.C., wherein the children had alleged that the present applicant had taken them to Delhi from their respective parents on the pretext of getting them admitted in schools but had engaged them in manufacturing and pasting of bangles and that the said process involved use of chemical substances. During investigation, Section 370 of IPC was also added in the present case. After about nine years, the applicant herein was arrested in relation to the present case on 10.08.2024, after which, chargesheet was filed before the concerned Court.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and that he has clean antecedents. It is argued that the age of the children has not been verified by the police, therefore, the offence under the JJ Act as well as Child Labour Act cannot be attracted in this case. It is also argued that the applicant herein has cooperated with the investigation and since the chargesheet has been filed now, no useful purpose will be served by keeping the applicant behind bars. It is also submitted that the applicant had been arrested after about 9 years from the date of the present FIR, and that he has been in judicial custody since 10.08.2024. It is therefore prayed that the applicant be granted regular bail.

4. The learned APP for the State, on the other hand, argues that the allegations against the present accused/applicant are serious in nature. It is



argued that all the rescued children were very young, in the age bracket of around 11 years. It is further argued that the applicant herein had been evading arrest for 9 years, and therefore, the present bail application be dismissed.

5. This Court has heard arguments addressed on behalf of both the sides and has perused the material available on record.

6. In the present case, it is evident from the records that the FIR was registered on 04.12.2015, whereas the applicant was arrested by the police on 10.08.2024 i.e. after a period of about nine years. Though it is one of the arguments of the State that the applicant had been evading arrest for more than nine years, the same seems to be unconvincing, inasmuch as the police/I.O. did not take any coercive step against the applicant during this period of nine years. A perusal of records, including the chargesheet, reveals that the anticipatory bail application of the present applicant was dismissed in the year 2015 by the learned Sessions Court, but thereafter, neither any Non-Bailable Warrants were obtained against the applicant, nor any proceedings under Section 82 of Cr.P.C. were initiated against him during this period.

7. A perusal of the chargesheet and the status report placed on record also reveals that except the victim Deepak, the age of three other victim/children has yet not been verified. Further, as far as victim Deepak is concerned, though it was mentioned in the FIR that he was about 12 years of age at the time of incident, the supplementary chargesheet mentions his age (on the basis of his age proof) as 15 years at the time of incident.

8. Taking into account the aforesaid facts and circumstances, and considering that the applicant has been in judicial custody for about 09



months, chargesheet stands filed before the concerned Court, and that charges have yet not been framed and trial has not commenced, even though the FIR is of the year 2015, this Court is inclined to grant regular bail to the present accused/applicant on his furnishing personal bond in the sum of Rs. 10,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms & conditions:

- i) The applicant accused will not absent himself before the learned Trial Court;
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.

9. Accordingly, the present application stands disposed of.

10. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 23, 2025/zp

[Click here to check corrigendum, if any](#)