

Crl.O.P(MD).No.9315 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 24.06.2025

Pronounced on : 14.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.9315 of 2025

and

Crl.M.P.(MD) No.7877 of 2025

N.Kannan
S/o.Naagu

...Petitioner/Sole Accused

Vs.

The Inspector of Police,
Kalaiyarkovil Police Station,
Kalaiyarkovil,
Sivagangai District.
(Crime No.230 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner/accused on bail in the event of his arrest by the respondent police in Crime No.230 of 2025 on the file of the respondent police.

For Petitioner
For Respondent

:Mr.G.Thiruvarutselvan
:Mr.S.Prakash
Government Advocate (Crl.side)

For Intervenor

:Mr.R.Karunanithi



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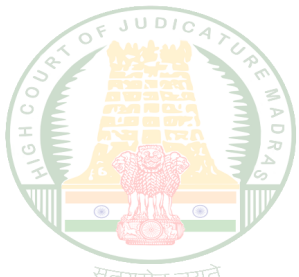
ORDER

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The petitioner seek anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.4, 16 and 17 of Bonded Labour System (Abolition) Act, 1976 and U/s.143(1)(a) of BNS, 2023 in connection with Crime No.230 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the petitioner extracted work from the victim, who is belonged to Andhra Pradesh, as a bonded labour for 15 years for rearing goats of the petitioner without paying any wages. The victim was rescued by the defacto complainant/Village Administrative Officer and lodged the complaint. Hence, the case is registered.

3. The learned counsel for the petitioner has submitted that the petitioner has not committed any of the offences as alleged by the prosecution. The main ingredient for bonded labour is defined in Section 2 of the Act and there must be advancement of money or loan, or debt given to the victim labour by the creditor employer. There must be an agreement between the debtor and creditor. There are no such activities in this case. The victim is the adopted son of one Savarimuthu, who is the paternal uncle of the petitioner. After the demise of Savarimuthu, the victim inherited his properties. The petitioner has produced a copy of patta, family card and bank account passbook of the victim. The petitioner owned 35 goats and the victim owned 21 goats. Both the petitioner and the victim used to rear goats. The



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victim is not bonded labour under the petitioner. The petitioner has not committed any offence as alleged by the prosecution and he is ready to abide by any condition imposed by this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police filed a counter and objected the petition. The learned counsel further submitted that the victim was rescued from the bonded labour, the enquiry conducted by the Zonal Deputy Tahsildar revealed that the victim was used as bonded labour. The alleged aadhaar card of the victim was procured at the instance of the petitioner. The victim worked as bonded labour for 15 years without any wages and it was calculated to Rs.8,22,916/- by the Labour Welfare department. The contents of the petitioner that the victim is his relative and has lands & properties would be unearthed only on thorough investigation. If the petitioner is granted anticipatory bail, he would tamper with the evidences.

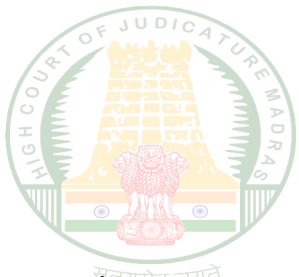
5. The learned counsel for the intervening petitioner has argued that based on information, the labour department officials conducted inspection at the accused's residence and found that the victim was worked as bonded labour for the past 15 years. As per data, the unpaid wages are calculated to Rs.8,22,916/- by the labour department concerned. Article 23 of the Constitution of India prohibits traffic in human beings and forced labour. The petitioner will abscond and tamper with the evidence if he is granted anticipatory bail.



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6. Heard and perused the available records. It is seen from the records that it is alleged that the victim was rescued from the petitioner, as the petitioner extracted work from the victim as bonded labour for the past 15 years. The petitioner submits that the victim is his close relative and has owned lands and properties by placing copies of patta passbook, family card and bank passbook. It is also specific contention of the petitioner that he and the victim both used to rear goats, as they are owners of 35 goats and 21 goats, respectively. The prosecution side has not produced any material or statement of the villagers of the petitioner to show the alleged torture and forced labour against the victim. Though Article 23 prohibits forced labour as argued by the intervener, Article 21 touches on the principle of 'bail is rule and jail is exception', and the same is a settled proposition by the Hon'ble Supreme Court. Moreover, the offences alleged in this case will be dealt with imprisonment upto 7 years. The Hon'ble Supreme Court laid down principles while deciding bail petitions in the case of Satender Kumar Antil vs. Central Bureau of Investigation & Anr. reported in 2022 (3) MWN (Cr) 145 (SC). The prosecution has not stated that the petitioner evaded police enquiry in spite of the issuance of police summons. There is no previous case or any illegal activities reported against the petitioner. The unpaid wages calculated by the labour department can be recovered by way of taking necessary recovery proceedings as per law. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to



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the petitioner with conditions.

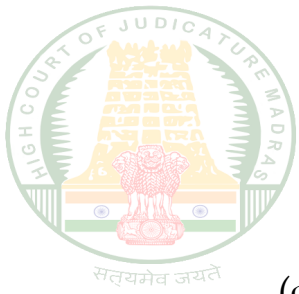
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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(b) The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.I, Sivagangai. If the petitioner change his residential address, he shall report the same to the learned Judicial Magistrate No.I, Sivagangai;

(c) On release, the petitioner shall appear and sign before the Inspector of Police of respondent police station daily at 10.00 a.m. until further orders.



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(d) The petitioner shall not abscond either during investigation or trial and he shall cooperate for the investigation;

(e) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and and if there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560 and;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023. Consequently, the connected Miscellaneous Petition is closed.

sd/-

14.07.2025

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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VSD

To

- 1.The Judicial Magistrate No.I,
Sivagangai.
2. Do Through: The Chief Judicial Magistrate,
Sivagangai.
- 3.The The Inspector of Police,
Kalaiyarkovil Police Station,
Kalaiyarkovil,
Sivagangai District.
(Crime No.230 of 2025)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Pre - Delivery Order made in
Crl.O.P(MD).No.9315 of 2025
and
Crl.M.P.(MD) No.7877 of 2025

14.07.2025

KM (24.07.2025)/7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.