



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4260 of 2018

M.PANDI

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
CBCID, POLICE STATION,
THENI. (CRIME NO.5 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.A.M.RAJA, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, was arrested and remanded to judicial custody on 14.01.2018 for the offences punishable under Section 363, 370(4) IPC and Sections 79 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, **(*)Sections 16, 17, 18 Bonded Labour System (Abolition), Act, 1976 and Section 14 of the Child Labour (Prohibition and Regulation) Act, 1986** in Crime No.5 of 2017, seek anticipatory bail.

2.The case of the prosecution is that A1 kidnapped the victim boy, aged about 11 years for the purpose of selling. On believing the words of the accused No.1, the second petitioner bought the child for Rs.5,000/- and thereafter, he took the child to Bangalore and employed as a workman his service in small scale business. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and his name has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered.

6. It is alleged, on 06.02.2017, believing the words of A1 in this case, the present petitioner took the victim boy, aged about 11 years, to the Bangalore and employed him as a Labour in small scale industries. Thereafter, the mother of the child filed HCP before this Court and as per the order passed by this Court, the investigation was transferred to the CBCID and the boy was recovered on 14.01.2018, after lapse of 11 months. If really the petitioner is not having any intention, he may be produced the child as early as possible, after the commencement of proceeding initiated by the police. So, this Court came to the conclusion that the offence committed by the petitioner is nothing but a heinous.

7. Considering the facts and circumstances, the further custodial interrogation of the petitioner is very much necessary for completing the investigation. Hence, this Court is not inclined to enlarge the petitioner on bail. Accordingly, this Criminal original Petition is dismissed.

sd/-
21/03/2018

**(*) AMENDED AS PER ORDER OF THIS HON'BLE
COURT MADE IN CRL MP(MD) No. 2229/18 IN
CRL OP(MD) No. 4260/18 DATED 21.03.2018.**

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE, CBCID, POLICE STATION, THENI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No. 4260 of 2018
Date : 21/03/2018