



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5053 of 2019

MAHALINGAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.60 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.ANANDAN, Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 15.03.2019 for the offence punishable under Sections 370 (4) and 374 of IPC and Sections 16, 17 and 18 Bonded Labour System Abolition Act, 1976 in Crime No.60 of 2019, on the file of the respondent police, seeks bail.

2.The case was registered against the petitioner as if the victim boy's father was died. The victim mother borrowed a sum of Rs.36,000/- from the petitioner for her husband's funeral function and since she is not able to repay the said debt, the victim boy was bounded for labour for the purpose of maintaining sheeps. Thereby, based on the information received, the child help line secured the victim boy from the petitioner, for which the petitioner was arrested and remanded to judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim boy are close relatives, due to that relationship, the boy is under control of the petitioner. However, on instructions, would submit that the petitioner is ready to pay a



sum of Rs.50,000/- for the welfare of the victim boy. Hence, he prays for bail.

4.The learned Government Advocate (Crl. Side) would submit that since the petitioner himself has come forward to pay Rs.50,000/- in the name of the victim boy and he has no serious objection for grant of bail. He would further submit the investigation is almost over.

5.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu, Thanjavur District and on further condition that:

(a)the petitioner is directed to open a bank account in the name of the victim boy and deposit a sum of Rs.50,000/- in that account and hand over the said Bank Pass Book to the victim boy's mother and thereafter sureties shall be accepted.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

03/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
ORATHANADU, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT

4 THE OFFICER IN-CHARGE,
SUB JAIL, PATTUKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.RAMASAMY Advocate SR.No.6035

ORDER
IN
CRL OP(MD) No.5053 of 2019
Date :03/04/2019

MSI/MMS/SAR 1/03.04.2019/3P-7C