



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

Wednesday, the Fifteenth day of May Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7022 of 2019

MAHADEVAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ITS
INSPECTOR OF POLICE,
GANDHARVAKOTTAI POLICE STATION,
PUKUKOTTAI DISTRICT.
(CRIME NO.115/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S. RAMASAMY, Advocate

For Respondent : Mr.A.Robinson,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 16 and 18 of Bonded Labour System (Abolition) Act, 1976, in Crime No.115 of 2019, on the file of the respondent, seeks anticipatory bail.

2.Heard Mr.S.Ramasamy, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that the petitioner himself utilized the defacto complainant and others as bonded labours. Hence the complaint.



4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Admittedly, the complaint has been lodged by the Village Administrative Officer as required by the Bonded Labours Act. There is no report available from the Revenue Divisional Officer confirming the allegation that the defacto complainant and others have been utilized as bonded labours. Hence, he prays to grant anticipatory bail.

5.The learned Government Advocate (Crl Side) appearing for the respondent Police would submit that there is no report available from the Revenue Divisional Officer confirming the allegation that the defacto complainant and others have been utilized as bonded labour.

6.Taking into consideration the facts and circumstances of the case and also considering the nature of offence levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

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 was made ready before the learned Judicial Magistrate No.I, Pudukottai, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police daily twice at 10.30.am and 05.30.p.m.



[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-
15/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
PUDUKOTTAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3.THE INSPECTOR OF POLICE,
GANDHARVAKOTTAI POLICE STATION,
PUKUKOTTAI DISTRICT.

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

+1. CC to M/S.S. RAMASAMY Advocate SR.No.8505

ORDER
IN
CRL OP(MD) No.7022 of 2019
Date :15/05/2019