



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 04/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7447 of 2019

Mani @ Anbarasan,

... Petitioner/Accused

Vs

State:The Inspector of Police,,
Kabisthalam Police Station,
Papanasam Taluk,
Thanjavur District.
(Crime No.109 of 2019).

... Respondent/Complainant

For Petitioner : Mr.M.R.R.Sivasubramanian,
Advocate.

For Respondent : V.Neelakandan
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 offences punishable under Sections 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976 r/w Sections 374, 343 and 370(3) of IPC in Crime No.109 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the FIR, two persons namely Arumugam and his wife Vembu were working in the brick-kiln of the petitioner, after receiving Rs.20,000 to Rs.80,000/-, they have been treated as bonded labourers. He further submitted that based on the complaint given by the Village Administrative Officer, a case was registered against the petitioner under Sections 16, 17, 18 of Bonded Labour System



(Abolition) Act, 1976 r/w Sections 374, 343 and 370(3) of IPC. He further submitted that the contents of the F.I.R would not attract the aforesaid provisions of Law and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner after giving Rs.20,000/- to Rs.80,000/- to one Arumugam and his wife Vembu, compelled them to work in his brick-kiln and treated them as bonded labourers. With regard to the same, a complaint was lodged by the Village Administrative Officer and a case was registered under the aforesaid provisions. He further submitted that the investigation is still pending against the petitioner. Thus, he opposed this petition. However, he fairly conceded that the bonded labourers Arumugam and Vembu were already rescued and sent to their native village.

5. Taking into consideration of the aforesaid facts and also the fact that the offence under the provisions of Bonded Labourers Act and the offences under Sections 374 and 343 I.P.C are bailable and only the offence under Section 370(3) I.P.C is non-bailable, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned First Additional District and Sessions Court (PCR) at Thanjavur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>

(v) On breach of any of the aforesaid conditions, the learned



Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/06/2019

/ TRUE COPY /

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

To

- 1.The First Additional District and Sessions Court
(PCR) at Thanjavur.
- 2.The Inspector of Police,,
Kabisthalam Police Station,
Papanasam Taluk,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.A.EBENEZER, Advocate in SR.No.9229

ORDER

IN

CRL OP(MD) No.7447 of 2019

Date : 04/06/2019

AE/MMS/SAR-III (11.06.2019) 3P 5C