

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4094 of 2020

S.JAYACHANDRAN

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY
THE INSPECTOR OF POLICE
C-5, VENGAL POLICE STATION,
VENGAL,
TIRUVALLUR DISTRICT.
CR.NO.103 OF 2020.

For Petitioner : M/S.S.KAMADEVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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, 17 & 18 of the Bonded Labour System (Abolition) Act, 1976 r/w section 370 (3), 374 and 344 and 419, 420 IPC r/w section 15(3) (1) of Indian Medical Council Act, in Crime No.103 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the lessee of the Brick Kiln functioning at Punnappakkam village at Tiruvalur District and some of the casual labourers from the northern States were being engaged to do the seasonal work of manufacturing bricks. While so, the Secretary, District Legal Services Authority, found that the petitioner has used the victims as bonded labourers and committed the offence under the Bonded Labourers Act. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offences as alleged by the prosecution. The petitioner has paid their respective wages for their work rendered during their stay and the casual and seasonal employees were taken out from the Brick Kiln and sent back to their home. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that investigation is pending.

5. Considering the facts and circumstances of the case and considering the fact that the bonded labourers were secured by the Legal Services Authority and they were sent back to their native State, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tiruvallur, Tiruvallur District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

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

-sd/-
28/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, THIRUVALLUR. THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
C-5, VENGAL POLICE STATION,
VENGAL,
TIRUVALLUR DISTRICT.

+1 CC to M/S.S.KAMADEVAN Advocate on payment of necessary charges SR.NO.4073

CRL OP.4094/2020

सत्यमेव जयते Date:28/02/2020

TA-03/03/2020

WEB COPY