

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13374 of 2020

1. M.Ramesh
2. Lakshmi
3. K.Sujatha

... Petitioners

Vs.

State by
The Inspector of Police
Kottur Police Station
Thiruvarur district
(Crime No.1025 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event their arrest in Crime No.1025 of 2020, pending investigation on the file of respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 23 & 26 of the Juvenile Justice (Care and Protection of Children) Act 2015, 14(1) of Child labour system (Prohibition and Regulation) Act 1986, 16 of Bonded Labour System (Abolition) Act, 1976, 370 & 374 IPC, in Crime No.1025 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on 24.07.2020, VAO, Munamsetti Village, Tiruvarur District gave a complaint before the respondent police stating that he had received an information on 21.07.2020 from the District Revenue Officer, Mannarkudi and also on the instructions from the Child line Coordinator through phone that the petitioner along with others have employed children for maintaining ducks belonging to A1 and A2 by paying Rs.10,000/- each to the parents of the children.

3.The learned Counsel for the petitioner would submit that the petitioners are innocent persons and a false complaint has been given against them. He would further submit that they have actually employed the parents of the children to monitor the ducks but the children were just accompanying their parents. On instruction, he

would further submit that without prejudice to his defence, the petitioners are prepared to make considerable donation for maintaining the above children.

4.The learned Additional Public Prosecutor would submit that the petitioners along with other accused paid Rs.10,000/- to the parents of the children and engaged four minor children to monitor the ducks. He would further submit that the children are secured and they were sent to the Government Home at Thiruvavarur.

5.Taking into consideration of the voluntary submission made by the petitioners offering to donate/pay considerable amount to the maintenance of the children, this Court is of the opinion that the petitioners shall be directed to make a payment/donation of a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the District Child Protection Officer, District Child Protection Unit, Thiruvavarur, and on such payment and production of proof of receipt the petitioners are ordered be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Mannarkudi on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 p.m. until further orders.

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

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/09/2020

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.II, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

5 THE DISTRICT CHILD PROTECTION
OFFICER, DISTRICT CHILD PROTECTION UNIT,
THIRUVARUR

CC to M/S. M.JAIKUMAR Advocate on payment of necessary charges

CRL OP.13374/2020

Date : 01/09/2020

RVR 22/09/2020

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