

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13646 of 2020

C.Subramani @ Subramaniam

.. Petitioner

Vs.

The State by
The Inspector of Police
Cheyur Police Station
Tiruppur District
Cr.No.1326 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1326 of 2020 on the file of the respondent police.

For Petitioners : Mr. R.Shanmuga Sundaram,
Senior Counsel
For Mr.A.Thiyagarajan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 269, 270, 370, 374 of IPC and Section 75 and 79 of the Juvenile Justice Act and Section 16 of the Bonded Labour Act, in Crime No.1326 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Kathirvel, who is the incharge of NGO is that he has received information that about 250 juveniles were engaged in the factories in and around Tirupur against the Rules and Act. Based on that, an inspection was conducted in the factory of the petitioner and 70 juvenile adolescents were found working there and out of which, 37 girls and 3 boys had refused to work and they have been handed over to the Child Welfare Board.

3. The learned Senior Counsel for the petitioner would submit that the petitioner is the Managing Director of M/s.Chenniappan Yarn Spinners (P) Limited and only with the consent of the parents of the respective children, they were given employment in the petitioner's factory and the petitioner has followed the procedure and he has not violated any rules. Even as per the FIR, only 40 children and other adolescents have agreed to work there. He would further submit that the Factory Act permits the employment of adolescents children. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed this petition stating that on the complaint given by one Kathirvel, who is the Coordinator, a case was registered and investigation has been conducted in the factory run by the petitioner and found that the children were employed in the factory against the rules. He would submit that some victims have been secured and they have been handed over to the Child Welfare Board and others have been handed over to their parents.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Avinashi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/09/2020

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,
AVINASHI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHEYUR POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.A.THIYAGARAJAN Advocate on payment of necessary charges SR.No.6128

CRL OP.13646/2020

Date :03/09/2020

cs 10/09/2020