

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14367 of 2020

Jayapandi

... Petitioner/Accused No.3

Vs.

The Inspector of Police,

Cheyyur Police Station,

Tiruppur District.

Cr.No.1326 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest or on his appearance before any Court in connection with Crime No.1326 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.M.Mohammed Riyaz

Addl. 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 offence punishable under Section 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. It is the case of the prosecution as per the defacto complainant that the petitioner is an employee of the company viz., Chenniappan Yarn Spinners (P) Ltd., and he has engaged the service of the children below 18 years. During the pandemic lock down, the petitioner and another employee have transported the children against their wish from Tiruvannamalai, Villupuram, Vellore, Krishnagiri and Thirupathur District without getting any valid e-pass and also they did not undergo any Covid-19 test during the intra-district travel.

3. The learned counsel appearing for the petitioner would submit that he is an innocent and that he has been falsely implicated in this case and co-accused have already been released on bail. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A3 in this case and co-accused (A1 and A2) have already been released on bail by this Court in CrI.OP.Nos.13646 of 2020, dated 03.09.2020 and 14224 of 2020, dated 11.09.2020. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions of the learned Counsel and the fact that co-accused have already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, 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, 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:

[b] the petitioner and 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 10.30a.m., within 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.

[f] 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 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]**.

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

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

-sd/-
16/09/2020

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. V.RAJAMOHAN Advocate on payment of necessary charges SR.NO.6277

CRL OP.14367/2020

Date :16/09/2020

GKS:25/09/2020