

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1557 of 2021

Binod Kumbhar

... Petitioner

-Vs-

The State rep. bu

The Inspector of Police,

Kavaraipettai Police Station,

Thiruvallur District.

(Crime No.146 of 2016)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.146 of 2016 is pending on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences under Sections 9, 16, 17, 18 & 20 of the bonded Labour System (Abolition) Act, 1976 r/w 370(3), 343 and 374 of IPC, in Crime No.146 of 2016, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that 16 labourers from Balangir District of Odisha who were employed as Bonded labourers under AI and the petitioner, is the agent of SVS Brick Chambers at Kilikodi Village, they were not provided with minimum wages. Based on the complaint given by the Labour Officer, the case has been registered.

3.The learned counsel for the petitioner would submit that occurrence taken place during the year 2016 and the petitioner is an innocent persons and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner is only an agent. He would further submit that co-accused have been granted anticipatory bail by this Court in Crl.O.P.No.15356 of 2016 dated 21.07.2016. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that 16 labourers from Balangir District of Odisha who were employed as Bonded labourers under A1 and the petitioner, is the agent of SVS Brick Chambers at Kilikodi Village, they were not provided minimum wages. Based on the complaint given by the Labour Officer, the complaint was registered. He would further submit that A1 and A2 have been arrested and released on bail and there is no previous case pending as against the petitioner..

5. Considering the facts and circumstances of the case that the occurrence of the year 2016 and the co-accused are released on bail, this court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before the learned Judicial Magistrate No.1, Ponneri, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall report before the respondent Police 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].

[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/-
03/02/2021

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.I,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVARAIPETTAI POLICE STATION,
THIRUVALLUR DISTRICT.

+1CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR NO.1225

CRL OP.1557/2021

Date :03/02/2021

MK:11/02/2021