

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7463 of 2021

1 J.KAJA MOHIDEEN [PETITIONERS / ACCUSED]
2 A.SIKANDHAR
3 A.NIJAM MOHAIDEEN (ALIAS) NIJAM

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
S-10, PALLIKARANI POLICE STATION,
CHENNAI.
CR.NO.149/2021.

For Petitioner : M/S.R.PRABHAVATHY Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 14(1A) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.149 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Mr.Venkatesan, Assistant Inspector of Labour, Tambaram is that at the time of inspection of the shops situated at Medavakkam, Perumbakkam Main Road, they found that children were engaged as labour by the petitioners. Hence, the complaint came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would vehemently opposed this petition stating that the petitioners have engaged children as labours in their shop.

5. Considering 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 petitioners subject to stringent conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Alandur**, on condition that the petitioners shall execute a separate 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit jointly a sum of Rs.5,000/- (Rupees five thousand only) to the Juvenile Justice Board, Kilpauk, Chennai, before executing the bond, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c) the petitioners shall file an affidavit of undertaking to the effect that he will not engage any child labour in future before the Judicial Magistrate, at the time of executing the bond.

(d) the petitioners 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.

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

(f) the petitioners 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 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 55601; and;

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

-sd/-
21/04/2021

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.II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
S-10, PALLIKARANI POLICE STATION,
CHENNAI.

5 THE JUVENILE JUSTICE BOARD,
KILPAUK, CHENNAI.

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

CRL OP.7463/2021

Date :21/04/2021

TA-05/07/2021

WEB COPY