



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11556 of 2021

V.Madhavan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thittachery Police Station,
Nagapattinam District.
(Crime No.586 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.586 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Chinnadurai

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 370(4), 374 of I.P.C. r/w. Sections 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976 and Section 14(1) of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, Sections 75 and 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Cr.No.586 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have engaged the victim aged about 14 years in grazing of cows.

3.The learned counsel appearing for the petitioner would submit that the victim's father passed away and due to poverty, the mother of the victim handed over the victim to the petitioner on receiving a sum of Rs.8,000/-. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- in the name of the victim's mother for using the same for the victim's educational purpose.



4.The learned Government Advocate (Criminal Side) submitted that investigation is pending.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.50,000/- in the name of the victim's mother, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Judicial Magistrate - II, Nagapattinam, 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 and on further condition that:

(a)the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) in the name of the victim's mother, to enable her to use the same for the victim's educational purpose. The proof of such payment shall be produced at the time of executing the bond.

(b)the petitioner 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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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 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]**; and;

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

-sd/-

06/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1. THE JUDICIAL MAGISTRATE,
NO.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THITTACHERY POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S. P.CHINNADURAI Advocate on payment of necessary
charges SR.NO.7119

CRL OP.11556/2021

Date :06/07/2021

TA-19/07/2021