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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16317 of 2021

1.Karppagam  
2.Hari

... Petitioners

Vs.

The State Represented by  
The Inspector of Police,  
Jamunamarathur Police Station,  
Tiruvannamalai District.  
(Crime No.208 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail concerned in Crime No.208 of 2021 on the file of the respondent.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 17.08.2021 for the offence under Sections 294(b), 363, 370 (1), 374 and 506(ii) of I.P.C. and Section 79 of Juvenile Justice Act, 2015 in Crime No.208 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused are alleged to have sent young children to textile industry as child labour.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.50,000/- to the Chief Educational Officer, Thiruvannamalai District for construction of toilet in the Government Tribes High School, Jamunamarathur Taluk, Javadhu Hills, Arasavali Village, Thiruvannamalai District.



4.The learned Government Advocate (Criminal Side) submitted that the petitioners have threatened the defacto complainant over phone.

5.Considering the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Polur and on further condition that:

(a) The petitioners shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of the Chief Educational Officer, Krishnagiri District for construction of toilet in the Government Tribes High School, Jamunamarathur Taluk, Javadhu Hills, Arasavali Village, Thiruvannamalai District under necessary acknowledgment, without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioners;

(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;

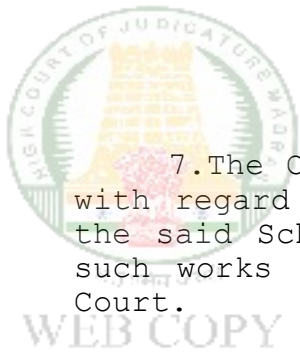
(c)the petitioners shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

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

(e)the petitioners 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 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 5560]*; and;

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



7.The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done in the said School before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

09/09/2021

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,  
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,  
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
JAMUNAMARATHUR POLICE STATION,  
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, TIRUVANNAMALAI.

5 THE CHIEF EDUCATIONAL OFFICER,  
KRISHNAGIRI DISTRICT.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.16317/2021

Date :09/09/2021

CSK 09/09/2021