



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19409 of 2021

Bigan Bhiyan

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Erode Railway Police Station,
Erode District.
(Crime No.78 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.78 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Sivasubramanian

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

ORDER

The petitioner who was arrested on 25.08.2021 and remanded to judicial custody for the offences under Section 370 of IPC, in Crime No.78 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner involved in trafficking of seven minor persons from Jharkhand to Tiruchengode through Dhanbath-Alapuzha Express Train for the purpose of recruitment. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 25.08.2021. He further submitted that the petitioner is acted as a broker. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the victims have been secured and sent back to Jharkhand. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.



5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner and the victims have been secured and sent back to Jharkhand and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one shall be a local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Erode, and on further condition that:

(a) 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;

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

(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]; and;

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

-sd/-

20/10/2021

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,
ERODE.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ERODE RAILWAY POLICE STATION,
ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.SIVASUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.19409/2021

Date :20/10/2021

CSK 21/10/2021