

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.21034 of 2020

Mohan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thirukazhukundram Police Station,
Kancheepuram District.
(Crime No.1007 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1007 of 2020 pending on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 9, 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976 r/w 370, 344, 374 of I.P.C. and Section 14 (1) of Child Labour Act in Crime No.1007 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioner has engaged five family members including a child as bonded labours without paying proper salary and without giving proper accommodation. In the said circumstances, based on the complaint of Village Administrative Officer, a criminal case has been registered against the petitioner.

3. The learned counsel appearing for petitioner would submit that he has engaged them only as contract labours and they were staying in the petitioner's house. He would submit that they were properly paid salary for the work done by them and they have not kept as bonded labours. He would also submit that now all the five persons were rescued and they were sent to their native place. Therefore, he prays for grant of anticipatory bail to the

4. The learned Additional Public Prosecutor would submit that the petitioner has engaged five persons as bonded labours. He would submit that without paying proper salary and without giving proper accommodation, he has extracted work from them. Hence, he opposed to grant anticipatory bail.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that now all the persons were rescued, they were sent to their native place and the investigation was also completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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, Thirukazhukundram on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[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 petitioner shall appear before the respondent police as and when required for interrogation ;

[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 petitioners 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];

[g] 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/-
19/01/2021

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,
THIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKAZHUKUNDRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.525

CRL OP.21034/2020

Date :19/01/2021

MK:22/01/2021

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