



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25134 of 2021

Sivaraj

... Petitioner

Versus

State represented by,
The Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.
(Crime No.354 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail to the petitioner in the event of his arrest by the respondent police, pending investigation of the case in Crime No.354 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Liagat Ali

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 3 & 14(1) 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.354 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 12.12.2021 the defacto complainant lodged a complaint stating that the petitioner is running a Betel nut breaking company at Thondamuthur and in which, on 23.11.2021 the District Child Labour Prohibition Officer, Coimbatore District and other officials had conducted an inspection and found that 3 child labour were working in that company and they have secured them. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and unlawfully kept a 3 minor girls and on instructions there was found Labour Prohibition Officer and the complaint was given. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that knowing fully harassed them but no previous case pending against the petitioner and investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, since the children were handed over and the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.VI, Coimbatore 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of the Crime No.354 of 2021 [for each minor children Rs.20,000/-] the victim is permitted to withdraw the same through her parents without prejudice to the right and contentions within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and 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 is directed to report before the respondent police on every Tuesday and Sunday 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 anticipatory 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.

-sd/-

22/12/2021

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.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THONDAMUTHUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT CHILD LABOUR
PROHIBITION OFFICER, COIMBATORE DISTRICT.

+1 CC to M/S.M.LIAGAT ALI Advocate on payment of necessary charges SR.NO.15339

CRL OP.25134/2021

Date :22/12/2021

RW 29/12/2021