



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.15981 of 2021

1. P.Krishnan @ Pandi	... Petitioner/ Accused No.1
2. Dharmalingam	... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.
Crime No.264 of 2021.

... Respondent/Complainant

For Petitioners: Mr.M.S.Parthiban,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC.438 OF CR.P.C

PRAYER :-For Anticipatory bail in Crime No.264 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 81 of Juvenile Justice Act 4, 16, 17 of Bonded Labour System Act, Section 3 & 14(1) of Child And Adolescent Labour Act, 1986 in Crime No.264 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner has used the children under the age of 14 years as Shepherds to do the daily job for maintaining his flock, by paying a considerable sum to their guardian/parents. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the parents of the victim boy are working under the petitioners, that victim boy was also staying with his parents, that the victim boy and his parents are innocents and not committed any offence as



alleged by the prosecution and that the petitioners are not having any previous case at their credit. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the investigation is not yet completed and that the petitioners are not having any previous case at their credit.

5.Considering the nature of charges levelled against the petitioners and also the facts that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Magistrate No.I, Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners shall deposit a sum of Rs.10,000/- (**Rupees Ten Thousand only**) **each to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

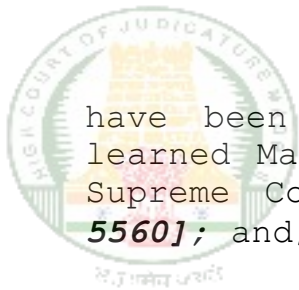
(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month 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.

sd/-

02/12/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MATHAGUPATTI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

+1 CC to Mr.M.S.PARTHIBAN, Advocate (SR-8847[I] dated 03/12/2021)

ORDER

IN

CRL OP(MD) No.15981 of 2021

Date :02/12/2021

PNM

MK/PN/SAR.III/08.12.2021/3P/7C

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