



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2772 of 2022

Stella

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Katpadi Police Station,
Vellore District.
(Crime No.642 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying enlarge the petitioner on bail in Crime No.642 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Saravanan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 14.12.2021 for the offences punishable under Section 16 of BLS Act, Sections 5(1), 5(n), 5(j)(ii), 6, 17 of POSCO Act and Sections 294(b), 376(3) of IPC in Crime No.642 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a street dancer forcibly kept the victim girl as a bonded labour by extracting domestic work and compelled her to have sexual intercourse with the co-accused. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case and she is in judicial custody from 14.12.2021 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that during the relevant point of time, the petitioner herein kept the victim girl as a bonded labour and extracted domestic work. However, she fairly admits that, as of now, a portion of investigation is completed.

5. The submissions made by the learned counsel appearing on either side are considered.

6. The present case has been registered against this petitioner for the offence punishable under Section 16 of Bonded Labour System (Abolition) Act, 1976. As of now, a portion of investigation is completed. Further, the petitioner is in judicial custody from 14.12.2021 onwards. Therefore, considering the period of incarceration, further detention of the petitioner, is not necessary for completing the investigation. Accordingly, taking into consideration of the above said facts, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Katpadi.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;



(v) 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].

-sd/-
09/02/2022

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,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON,
VELLORE.

+1 CC to M/S.T.SARAVANAN Advocate on payment of necessary charges SR.NO.2141

CRL OP.2772/2022

Date :09/02/2022

INBA~10/02/2022