

Crl.O.P.No.4842 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 370, 374, 294(b), 352 IPC and Section 4 of TNWH Act, r/w.16 & 17 of the Labour System (Abolition) Act, in Cr.No.26 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are close relatives. The petitioner treated the defacto complainant's family as bonded labour. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant are cousins. Due to money dispute, a false case has been registered against the petitioner. He further submitted that the petitioner is ready to deposit a substantial amount before the Court to show his bonafide as may be directed by this Court and he is ready to cooperate for the investigation. Hence, he prays to grant anticipatory bail to the petitioner.



4.The **learned Government Advocate (Crl. side)** submits that the defacto complainant's family members had received a sum of Rs.3,40,000/- from the petitioner. Hence, the petitioner treated the defacto complainant's family as bonded labours for about 2½ years and paid them a sum of Rs.1,500/- per month. When the defacto complainant questioned the same, the petitioner abused them. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner is ready to co-operate for the investigation, and he is ready to deposit an amount of Rs.30,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.26 of 2023 within a period of three weeks from the date of receipt of a copy of this order and on such deposit, the petitioner is ordered to be released on anticipatory 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, Harur, Dharmapuri District**, 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 and on further condition that:

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

(b) the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.26 of 2023 within a period of three weeks from the date of receipt of a copy of this order. The defacto complainant is permitted to withdraw the same by filing undertaking affidavit.

(c) the petitioner shall report before the respondent police on every alternative days at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;



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(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]***; and;

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

03.03.2023

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