



Crl.O.P.No.5467 of 2023

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A.D.JAGADISH CHANDIRA.J,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 16 of Bonded Labour System (Abolition) Act, 1976 and Sections 75 and 79 of the Juvenile Justice (care and protection of children) Act, 2015 and Sections 343, 370 and 374 of IPC, in Crime No.31 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.02.2023, the defacto complainant one Saravanakumar, Tahsildhar, Purasawalkam, a raid was conducted by the respondent, in and around Wall tax road, Sowcarpet, Elephant Gate and Park Town, during which, they found 22 minor boys were engaged as bonded labour in the gold and silver smith shops of the accused and the labours were allowed to work for 12 hours per day and they were not paid properly and also they were left without proper safety materials. Also, the respondent have rescued 22 minor boys whose age are below 16 years and the Tahsildhar has also issued a release certificate for each individual. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been arrayed as A5 in this case. He would further submit that the petitioner was engaged in the business of manufacturing and polishing of jewels. He further submitted that the alleged victims, who are also North Indians, engaged in the jewellery business, had come to Tamil Nadu to learn the trade from the petitioner and it is not the case, where the petitioner has engaged them as bonded labours.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the respondent Police have found that 10 persons including 22 child labours were engaged as bonded labour in the shop of the petitioner and other accused. He further submitted that the bonded labours were forced to work 12 hours a day and they were also not paid properly. Based on the complaint given by the Tahsildhar, Purasawalkam, the respondent have registered a case in Crime No.31 of 2023 for the offence under Section 16 of Bonded Labour System (Abolition) Act, 1976 and Sections 75 and 79 of the Juvenile Justice (care and protection of children) Act 2015 and Sections 343, 370 and 374 of IPC and rescued the victims. However, he opposed for grant of bail to the petitioner.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.50,000/- in favour of the victim. He further stated that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Learned Additional Public Prosecutor has produced the account details of the bonded child labour, who worked as bonded labour, under the custody of the petitioner.

<i>S. No.</i>	<i>Accused</i>	<i>Name</i>	<i>Account Nos.</i>	<i>IFSC Code</i>
1	A5	Mr.Alim Mondal	067301000044395	IOBA0000673

7. Heard the learned Counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record.

8. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of



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Rs.50,000/- (Rupees Fifty Thousand only) to the credit of victim account number, as tabulated above, without prejudice to his rights and contentions before the trial Court.

9. Merely, because the petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

10. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- in favour of the victim, who is stated to have worked under him, this Court is inclined to grant bail to the petitioner with certain conditions.

11. Accordingly, the petitioner, on production of proof for his payment, is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with a **surety**, for a like sum to the satisfaction of the **learned VIII Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:



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[a] 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;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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