



Crl.O.P.No.10888 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 alleged offences punishable under Section 14(1) of the Child and Adolescent Labour (Prohibition and Regulation Act) 1986 r/w Section 79 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No. 88 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had engaged seven minor children in sugarcane farm for Labour activities in contravention to the provisions of the Juvenile Justice (Care and Protection of Children) Act and the Child and Adolescent Labour (Prohibition and Regulation) Act 1986. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and the petitioner had engaged certain persons for cutting sugarcane from the farm along with their children and



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they were staying in the farm and based on the false complaint given by the defacto complainant, who is the District Children Protection Officer, the respondent Police has registered this case. He would further submit that even as per the prosecution, it is stated that totally seven victims were staying in the farm and thereby, the petitioner without prejudice, is ready and willing to deposit a sum of Rs.20,000/- each to the victim as exgratia payment. He further submits that he has no objection to disburse the money to the parents of the victims and thereby, he would seek for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had engaged seven minor children viz., Ramesh, Abi, Saravanan, Arjuna, Krishna, Nethara and Anjali for labour in his agricultural field for cutting the sugarcane. Hence, he objected for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also the undertaking given by the petitioner that he is ready to deposit a sum of Rs.1,40,000/- to the parents of the victims as exgratia, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Arani**, 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 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.



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[b] the petitioner is directed to pay a sum of Rs.1,40,000/- directly to the District Children Protection Officer, District Children Protection Unit, Tiruppur and obtained receipt from her and submit the receipt before the trial Court, at the time of surrender;

[c] the District Children Protection Officer, District Children Protection Unit, Tiruppur, shall conduct an enquiry and disburse the amount i.e., Rs.20,000/- each to the parents of the minor victims in Crime No.88 of 2022;

[d] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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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[h] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

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