



Crl.O.P.No.13724 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 16 of Bonded Labour System (Abolition) Act, 1976, in Crime No.388 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is innocent and he has been falsely implicated in this case. Thus, he prayed for anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that the allegation against the petitioner is that petitioner employed one Mani, His wife Sathyakala, daughter Akila and Son Iyappan as bonded labour. On the basis of the complaint given by the defacto complainant who is a VAO, FIR came to be registered.

4. In reply, the learned counsel for the petitioner submitted that Mani borrowed money from the petitioner. In order to avoid the



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repayment of the loan amount and at the instigation of the said Mani, VAO gave the complaint and the same was registered in Crime No.388 of 2022, on the file of the respondent police.

5.Considered the rival submissions and perused the records. It is seen that FIR was registered on 22.12.2022. Despite completion of six and half months, till date, respondent had not evinced interest in arresting the petitioner. It goes without saying that the respondent police does not require the police custody of the petitioner.

6.Considering the nature of the allegations and the inaction on the part of the respondent police to arrest the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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 made ready, before **the learned District Munsif Cum Judicial Magistrate, Vazhapadi**, on condition that the petitioner



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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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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].

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

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