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Crl.O.P.No.13450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.13450 of 2023

Md. Shahid alias Mohamed Shahid

... Petitioner

Vs.

State represented by,
Inspector of Police,
Muthialpet Police Station
Flower Bazaar,
Chennai – 600 108.

(Crime No.61 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.61 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.D.Alexis Sudhakar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2023, for the offence punishable under Sections 3, 3A, 14(1), 14(1A) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and 75, 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976 and 374, 370(5) of Indian Penal Code, 1860, in Crime No.61 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.04.2023, around 10.30a.m., when the Additional Chief Labour Commissioner along with other Government Officials had conducted an inspection in the premises of the accused's bags manufacturing unit, they found that 29 children were engaged as child labourers in the premises of the accused. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is running a small bag manufacturing unit and the alleged victims came to his premises only for vocational training and they are not child labourers. He further submitted that the co-accused in this case has



been granted bail by this Court in Crl.O.P.No.13539 of 2023 vide order dated 20.06.2023 and also submitted that the petitioner is in custody from 23.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that is the case, where the petitioner, on violation of rules, had engaged 29 child labourers in his bag manufacturing unit. He further submitted that the respondent Police had rescued the victims and the investigation in this case is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.5 lakhs to any welfare scheme run by the Government or any Government organisation. Hence, he prayed for grant of bail to the petitioners.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the



materials available on record including the FIR.

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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of "Account Name : District Child and Adolescent Labour, Corporation of Chennai, No. 28, 1st Floor, Rippon Building, Chennai, (Account No.171101000009148, IFSC:IOBA0001711)", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,00,000/- (Rupees Five Lakhs only)**, to the credit of **“Account Name : District Child and Adolescent Labour, Corporation of Chennai, No. 28, 1st Floor, Rippon Building, Chennai, (Account No.171101000009148, IFSC:IOBA0001711)”**, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing 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 **learned XVI Metropolitan Magistrate, George Town**, and on further conditions that:

[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 on every Saturday at 10.30a.m. until further orders.

[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;



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[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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.06.2023

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To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
Muthialpet Police Station
Flower Bazaar,
Chennai – 600 108.
3. The Central Prison II,
Puzhal, Chennai – 66.
4. The Public Prosecutor,
High Court of Madras.

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