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Crl.O.P.No.13539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.13539 of 2023

Abdul Majid

... Petitioner

Vs.

State rep. 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 grant bail to the petitioner arrested on 24.04.2023 in Crime No.61
of 2023 pending on the file of the respondent police.

For Petitioner : Mr.D.Alexix Sudhakar

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 24.04.2023 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 10.30 a.m., when the Additional Chief Labour Commissioner along with other Government Officials was conducting inspection in the premises of the petitioner, they found totally 29 children were engaged as child labour in a bags manufacturing unit. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is the brother of the main accused and the petitioner has nothing to do with the alleged offence and that the petitioner has been languishing in jail from 24.04.2023. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that A1 are engaged in the business of manufacturing of bags and they had employed 29 children in the unit in violation of rules.

5. 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.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, 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:



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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. 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;

[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.

20.06.2023

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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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A.D.JAGADISH CHANDIRA,J.,

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