



Crl.O.P.No.19600 of 2023

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Orders Reserved on
08.09.2023

Orders Pronounced on
13.09.2023

Crl.O.P.No.19600 of 2023

RMT. TEEKAA RAMAN.,J.

The petitioner is sole accused who apprehends arrest at the hands of the respondent Police for alleged offences punishable under Sections 3, 3A, 14 (1A) and 14 (1) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, Sections 75 and 79 of the Juvenile Justice (Care and Protection of Children) Act 2015, Section 370 of the Indian Penal Code, 1860 and Sections 16, 17 and 18 of the Bonded Labour System (Abolition) Act, 1976 in Crime No.125 of 2023, seeks anticipatory bail.

2 (i). The case of the prosecution is that on 19.07.2023 night, one Mr.Durairaj, son of A.Kesavan, Deputy Director of Industrial Safety and Health-I, Chennai - 600 032 has given a complaint with the respondent police stating that he received a tip-off that child labours were engaged in the gold ornaments manufacturing shop at No.29, 4th Floor, Reddy Raman Street and based on that secret information, he visited the said place and inspected it. During the inspection, he found 52 North Indians working in the said



CrI.O.P.No.19600 of 2023

shop. Out of the said 52 labours, 11 persons were 17 years old and one was 12 years old. They were brought from West Bengal paying Rs.10,000/- and Rs.7,000/- as advance and were made to work for 14 hours per day. Further, the said labours were not provided with good food and accommodation and they were engaged for the work for a meagre salary. Therefore, the defacto complainant gave a complaint with the respondent police to take action against the petitioner, who is the owner of the said shop.

3. Counter has been filed wherein it is stated that 11 persons have completed 17 years old and nearing 18 years; that only one boy is 12 years old and they have been paid Rs.10,000/- and Rs.7,000/-.

4. The learned counsel for the petitioner would contend that none of the persons are below 17 years and all of them are above 17 years and below 18 years, that after COVID their parents have come over to Chennai and left them in his Jewellery shop and they are not ill-treated. The parents and relatives alone voluntarily left them for earning their livelihood after COVID. The learned counsel for the petitioner produced medical records and photographs to show that the sole accused has met with an accident and



Crl.O.P.No.19600 of 2023

severely injured and his mobility is arrested.

5. Considering the nature of allegations and also the factual position regarding the age, this Court is of the considered view that custodial interrogation of petitioner is not necessary and 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 is made ready, before the learned **VIII Metropolitan Magistrate, George Town, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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.



Crl.O.P.No.19600 of 2023

[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 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.

13.09.2023

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CrI.O.P.No.19600 of 2023

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Per-Delivery order in
CrI.O.P.No.19600 of 2023

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