



CrI.O.P.No.26640 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.26640 of 2023

Jahid

... Petitioner/A3

Vs.

The State represented by
The Inspector of Police,
N 3, Muthialpet Police Station,
Chennai.
(Crime No.61 of 2023)

... Respondent

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

For Petitioner : Mr.D.Chandra Sekar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 26.10.2023 for the offences punishable under Sections 3 and 3(A) r/w 14(1) and 14(1A) of Child Labour and Adolescent Labour (Prohibition & Regulation) Act, 1986 and Sections 75 and 79 of the Juvenile Justice (Care and Protection) of Children Act, 2015 and Sections 16, 17 and 18 of the Bonded Labour System Abolition Act, 1976 and Sections 374 and 370(5) of IPC in Crime No.61 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that there are three accused. All the three accused are brothers. However, the learned counsel for the petitioner states that the petitioner herein / A3 is living separately from A1 and A2. He also stated one of the accused had been granted bail in Crl.O.P.No.13539 of 2023 by an order dated 20.06.2023.

3.It is stated on behalf of the respondent that when the defacto complainant and other officials inspected at Aaliya Bags, they found that there were 29 young children less than the age of 18 years, who were forced into the labour there.



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4.The learned counsel for the petitioner claims ignorance of the entire issue.

5.But however, since the other two accused have been granted bail, I would grant bail to the petitioner, but impose a condition that the petitioner should deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in the name of each one of the 29 children. On receipt of that amount, the learned XVI Metropolitan Magistrate, George Town, may issue notice to the respondent and handover the said sum of Rs.10,000/- for the 29 children with direction to the respondent to take the responsibility of disbursing the amount of Rs.10,000/- to each one of the 29 children. If it is possible, the learned XVI Metropolitan Magistrate, George Town, may also independently issue notice to each one of the 29 children and handover the amount to each one of them and also assist them in depositing the amount in any fixed deposit account in any Nationalized Bank, which would earn interest, to be retained till they attain the age of 18 years and thereafter, each one of the children can take a decision about the amount. The learned XVI Metropolitan Magistrate, George Town, may take either one of the two courses as stated above as is convenient.



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6. Accordingly, the petitioner is ordered to be released on bail on executing a separate 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 appear before the respondent police daily 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 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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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

24.11.2023

smv

To

- 1.The XVI Metropolitan Magistrate, George Town.
- 2.The Inspector of Police,
N 3, Muthialpet Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

smv

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