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Crl.O.P.No.26944 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 16 of Bonded Labour System (Abolition) Act, 1976 and Sections 75 and 79 of Juvenile Justice (Care and Protection of Children Act), 2015 and Sections 343, 370 and 374 of IPC in Crime No.31 of 2023, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Saravanakumar, Tahsildar, Purasaiwalkam is that on 07.02.2023, he along with the members of the Chennai District Child Labour and Bonded Labour Abolition monitoring committee and police and others, conducted a raid in and around Wall Tax Road, Sowcarpet, Elephant Gate and Park Town, during which, they found that 23 persons were engaged as bonded labours in the shops of the accused and the labours were allowed to work for 12 hours per day and the labours were not paid properly and that they were left without proper safety materials. Subsequently, the respondent rescued the said 23 bonded labours out of



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which, 22 were child labours, whose age were below 18 years and the Tahsildhar has also issued a release certificate for each individual. Hence the case.

3.The learned counsel for the petitioner stated that the petitioner is only running a Paanipoori shop and therefore, stated that consideration should be given, to that particular fact, while determining the amount to be deposited to the account of the minor child.

4.On the side of the respondent, it is stated that one victim child had been secured from the direct employment of the petitioner herein.

5.In Crl.O.P.No.7851 of 2023 by an order dated 13.04.2023, a learned Single Judge of this Court in the very same First Information Report in Crime No.31 of 2023 had considered the anticipatory bail petition of one of the accused and had directed that the said accused should deposit a sum of Rs.50,000/- to the credit of the account of the victim.

6.The learned counsel pointed out another order in



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CrI.O.P.No.4687 of 2023 again in the same First Information Report in Crime No.31 of 2023, wherein, another learned Single Judge of this Court had not imposed any such condition.

7.But, as a fact that, one child was rescued from the direct employment of the petitioner herein. Therefore, there is an obligation on the petitioner, who had exploited the said child for cheap labour to pay back for the future of the said child. Therefore, I would go with the condition to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as directed in CrI.O.P.No.7851 of 2023 and grant anticipatory bail to the petitioner, directing him to deposit a sum of Rs.50,000/- to the account of the victim child, August Mondal, and the learned VIII Metropolitan Magistrate, George Town, Chennai, should ensure that the amount is so deposited to the account of the victim child.

8.Accordingly, 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



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VIII Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner 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 daily at 10.30 a.m., till that deposit is made to the account of the victim child.

[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



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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.

06.12.2023

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