



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/03/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.4076 of 2023

Rajiv Gandhi

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Thiruvonam Police Station,
Tanjavur District.
(Cr.No.71/2021).

... Respondent/Complainant

For Petitioner : Ms/.K.R.Manimaran,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

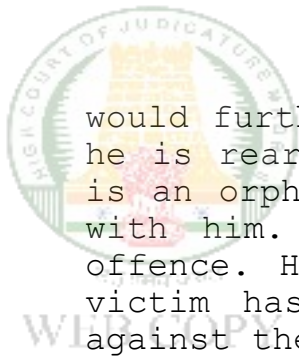
For Anticipatory Bail in Crime No.71 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 16, 17 and 18 of Bonded Labour System (Abolition) Act 1976, Section 370(4) and 374 of IPC and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.71 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, namely, Sumathi, who is the Village Administrative Officer of Ananthagopalapuram Village, had received an information from the child help line stating that the petitioner kept a child namely, Karuppiyah S/o Vellaisamy in his custody as bonded labour for taking care of his goats. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He



would further submit that the petitioner is aged about 21 years and he is rearing goats, the victim had approached him stating that he is an orphan and thereby, the petitioner had kept the victim along with him. Other than that the petitioner has not committed any offence. He would further submit that based on the complaint, the victim has also been secured now and there is no previous case against the petitioner. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner had kept a child namely, Karuppiah S/o Vellaisamy as bonded labour for taking care of his goats and hence, he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.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 Judicial Magistrate, Orathanadu, 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 06.30 P.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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ORATHANADU

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THIRUVONAM POLICE STATION,
TANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-3211[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.4076 of 2023

Date :02/03/2023

SS/RR/SAR II(09.03.2023) 3P 6C