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CRL O.P. No.12011 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.12011 of 2025

1. Sundar S/o. Koil Nadar
2. Muthuramalingam
S/o. Ramasubramanian ... Petitioners / Accused-1&3

Vs

State rep. by:-

The Inspector of Police,
Chennai (Salem) Police Station,
GRP, Salem District. ... Respondent
[Cr. No.123 of 2025]

PRAYER:- Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioners on bail, in connection with the
Cr.No.123 of 2025, pending investigation on the file of the respondent
Police.

For Petitioners : Mr. G. Anbuechezhaiyan

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER



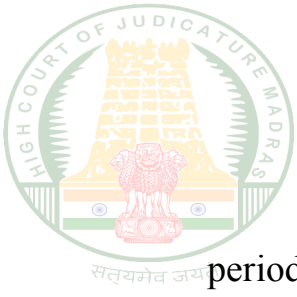
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This Criminal Original Petition has been filed by the petitioners/accused, who were arrested and remanded to judicial custody on 27.03.2025, seeking bail in Cr. No.123 of 2025 registered for the offences under Section 143 of B.N.S.

2. The case of the prosecution is that the petitioners along with other accused brought 7 children from Bihar to Tamilnadu for engaging in child labour for Valli Borewell owned by the 2nd petitioner/A3; and that the petitioners and other accused have involved in the offence of child trafficking for child labour. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioners are false; that they have nothing to do with the alleged offence; that A1 is a lorry driver; that as instructed by A3, he picked up the children and A3 is doing borewell business and he wanted labour for his business; that the petitioners have no knowledge about the children; that in any case, further custody of the petitioner is not required for the purpose of investigation; and that considering the



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period of incarceration of the petitioners, they may be released on bail.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the complaint was given by the Staff of the Child Help Line and that the children were rescued.

5. Considering the aforesaid facts, nature of allegations and the period of incarceration, this Court is of the view that further custody of the petitioners is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Salem** 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 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 269 B.N.S.

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mjs

To

1. The Judicial Magistrate No.III, Salem .
- 2.The Inspector of Police,
Chennai (Salem) Police Station,
GRP, Salem District.
3. The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN. J.,

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