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CrI.O.P.No.19540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.08.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19540 of 2025

Md.Shakil @ Mohammed Shakil

... Petitioner/A1

Vs

State Represented by
The Inspector of Police,
C-3 Seven Wells Police Station,
Chennai.

(Crime No.182 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to release the petitioner on bail in the event of his arrest by the respondent police in Crime No.182 of 2025 on the file of the respondent police.

For petitioner : Mr.R.Prabakar

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



CrI.O.P.No.19540 of 2025

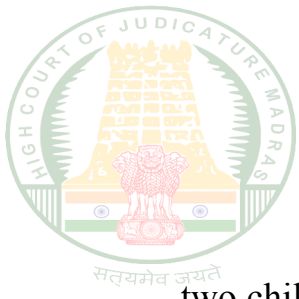
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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3, 3A of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.182 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Assistant Labour Inspector. She received a secret information that in a petitioner's bag stitching shop, children below the age of 18 years, belonging to Bihar, have been employed. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not employed any child labour as alleged by the prosecution. The petitioner is running cottage bag stitching work in the 1st floor of the said address. One of the person/child by name Mohammed Jafar has already completed 18 years and 4 months. The other



CrI.O.P.No.19540 of 2025

two children are petitioner's own sons, which is evident from the F.I.R. itself.

They are school going children and they came to Chennai for school holidays. The petitioner have produced all the documents in proof of the same. Hence, prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police reiterated the prosecution case and submitted that the two children are sons of the petitioner and one more person is aged about more than 18 years.

5.Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side and on perusal of the material, it is seen that the projected bonded labourers by the respondent are none other than the sons of the petitioner. Out of 3 victims, two are sons of the petitioner and once is aged about more than 18 years, hence, there is no question of forcible child labour. In view of the same, this



CrI.O.P.No.19540 of 2025

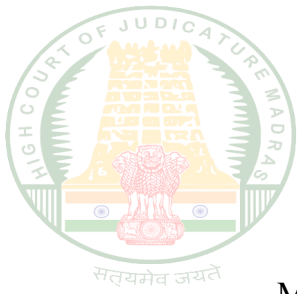
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Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned



CrI.O.P.No.19540 of 2025

WEB COPY

Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for further interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by the respondent as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];



WEB COPY



CrI.O.P.No.19540 of 2025

M.NIRMAL KUMAR, J.

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[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05.08.2025

rsi

To:

1.The VIII Metropolitan Magistrate,
George Town, Chennai.

2.The Inspector of Police,
C-3 Seven Wells Police Station,
Chennai.

3.The Public Prosecutor,
High Court Madras.

CrI.O.P.No.19540 of 2025