



WEB COPY



Crl.O.P.No.30116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30116 of 2024

The State represented by,

The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.
Crime No.846 of 2024

... Petitioner

Vs.

Rasheetha

... Respondent

Prayer: Criminal Original Petition is filed under Section 483(3) of B.N.S.S, 2023, praying to cancel the bail granted to the respondent/accused passed by the learned Judicial Magistrate No.I, Poonamallee, order dated 05.11.2024 in Cr.No.846 of 2024, on the file of Inspector of Police, R-9, Valasaravakkam Police Station, Chennai.

For Petitioner : Mr.S.Santhosh
Government Advocate (Crl.Side)
For Respondent: Mr.J.Milton Pon Davidson

ORDER

This petition has been filed seeking to cancel the bail granted to the respondent/accused passed by the learned Judicial Magistrate No.I, Poonamallee, dated 05.11.2024, in Crime No.846 of 2024, on the file of the Inspector of Police,



Crl.O.P.No.30116 of 2024

R-9, Valasaravakkam Police Station, Chennai.

WEB COPY

2. The brief facts of the case are that, on the complaint given by one Thangapandiyan, Village Administrative Officer, Ramapuram and Valasaravakkam, Chennai, that one juvenile was employed as a house maid in the house of the accused and that they were subjected to punishment and that their salaries were not paid, therefore, a case in Crime No.846 of 2024 came to be registered for the offences under Sections 143(3), 143(4) of Bharathiya Nyaya Sanhita (BNS), 2023, r/w. Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 9, 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976. The petitioner after registration of the case had arrested the accused/respondent and had taken her for remand before the learned Judicial Magistrate No.I, Poonamallee. The learned Magistrate finding that, no ingredients had made out for grave offences and the ingredients cannot be stretched into trafficking, and had refused to accept the remand and enlarged the accused on bail, with a condition that she should appear before the Police Station every day at 10.00 a.m. for a period of 45 days, challenging the order, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the learned Magistrate had committed an error in refusing to remand the accused



Crl.O.P.No.30116 of 2024

and granted bail and he would seek for setting aside the order.

WEB COPY

4. Per contra, the learned counsel appearing for the respondent/accused would submit that the learned Judicial Magistrate rightly finding that the ingredients of the offences were not made out and the ingredients cannot be stretched for trafficking had refused to accept the remand. He would submit that the order has been passed on 05.11.2024 and subsequently, the respondent/accused has also complied with the conditions. He would submit that the maximum punishment in respect of the offences is only 5 years. He would further submit that the complaint was not filed by the relatives of the victim and the complaint was filed on the instigation of the petitioner and the learned Judicial Magistrate rightly find that ingredients were not made out, had granted bail to the accused/respondent.

5. Heard the learned counsel for the petitioner, the learned counsel for the respondent/accused and perused the materials available on record.

6. I do not find any reason to interfere with the order passed by the learned Judicial Magistrate No.I, Poonamallee, dated 05.11.2024.

Accordingly, this Criminal Original Petition is dismissed.



Crl.O.P.No.30116 of 2024

WEB COPY

dsn

29.01.2025

A.D.JAGADISH CHANDIRA, J.

dsn

To

The learned Judicial Magistrate No.I, Poonamallee.

Crl.O.P.No.30116 of 2024

29.01.2025