

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MAY, 2020

BEFORE

THE HON'BLE MR. JUSTICE N.K. SUDHINDRARAO

CRIMINAL PETITION No.2224/2020

BETWEEN:

ANJANA MURTHY
S/O BYLAPPA
AGED ABOUT 38 YEARS
R/AT BYRASHETTYHALLI
KASABA HOBLI
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT
PIN CODE -562123

..PETITIONER

(BY SMT.DAYAMANIS, ADVOCATE FOR RAMESHA A.,
ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY DODDABELAVANGALA POLICE
DODDABALLAPUR TALUK
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU -560 001

..RESPONDENT

(BY SRI VINAYAKA V.S., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. BY THE ADVOCATE FOR THE PETITIONER PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME No.44/2020 REGISTERED BY DODDABELAVANGALA POLICE STATION, BENGALURU DISTRICT FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 16, 17 AND 18 OF BONDED LABOUR SYSTEM ABOLITION ACT R/W SECTIONS 341, 370 AND 374 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT THROUGH VIDEO CONFERENCE AT BENGALURU MADE THE FOLLOWING:

ORDER

This matter is taken up through Video Conference today.

2. Learned counsel Smt.Dayamanis for petitioner and Sri.Vinayaka V.S., learned HCGP for respondent are present.

3. The petition is filed under Section 439 of Cr.P.C. wherein the petitioner seeks grant of bail in Crime No.44/2020 for the offences punishable under sections 16, 17, 18 of Bonded Labour System Abolition Act

R/W Sections 341, 370 and 374 of IPC of the respondent Police Station.

4. The petitioner is stated to be in Judicial Custody since 13.03.2020.

5. The date of complaint is 13.03.2020. He was arrested and remanded to judicial custody on the same day.

6. Previously, the petitioner had made application before the learned IV Additional District and Sessions Judge, Doddabailapura in CrI.Misc.No.10049/2020 under Section 439 to Cr.P.C. that came to be dismissed on 21.03.2020.

7. Copy of the petition is served on learned HCGP for respondent.

8. Heard.

9. The substance of the complaint is that it is lodged on 13.03.2020 at 11.15 a.m. in Crime No.44/2020 of respondent police station. Complainant is one T.C.Muniraju stated to be revenue officer. Substance of the allegations made against the petitioner-accused is that he committed offence of using children as bonded laborers and exploited them for the purpose of cutting eucalyptus trees and other works.

10. The extract from the orders passed by learned IV Additional District and Sessions Judge, Doddaballapura is as under:

"8. The complainant/T.C.Muniraju, Revenue Inspector, Madhure Hobli, Doddaballapura Taluk, had lodged complaint against the petitioner on 13.03.2020 alleging that he has forcibly kept bonded laborers in his

control and housed them in tents and forcibly extracting work. It appears that on 13.03.2020 at 07.30 a.m., the complainant along with Doddabelavangala Police, with prior approval of the Tahasildar had visited Sy.No.95 in Mupadighatta Viillage, Shakaladevanapura, where they found plastic tarpaulin tents and when enquired the occupants they were informed that the accused had forcibly kept them under his control from the past 5 years and not allowing them to go to their native place in Shivamogga District. It appears that the accused would purchase the standing Neelagiri Trees and with the help of the bonded laborers cut and sell the said trees. All those laborers were rescued and the Revenue Officials and the Police have sent them to their respective villages after recording their statements."

11. Learned counsel for petitioner would submit that the petitioner is innocent of the offence. Offence

alleged against the petitioner are under Sections 16, 17, 18 of Bonded Labour System Abolition Act R/W Sections 341, 370 and 374 of IPC.

12. The petitioner is in judicial custody since 13.03.2020.

13. It was also submitted that due to existing situation caused by impact of COVID-19 and stay of the petitioner in judicial custody it has created alarm situation in the family. I have also taken notice of the present restless situation because of pandemic.

14. Learned counsel for the petitioner would submit that the petitioner has been in judicial custody and entire family of the petitioner is suffering because of his judicial custody. The economical and social responsibility of the petitioner has come to a grinding halt. The petitioner has no criminal antecedents

rendering for rejection of bail petition. Petitioner is ready to comply with the conditions that may be imposed on him and he is ready to offer surety in accordance with directions of this Court.

15. Learned Government Pleader for respondent opposes the bail petition of the petitioner and submits that the petitioner has not made out ground for getting bail. The stay of the petitioner in judicial custody has no relevance for his release. The intentions of the petitioner are not good. The conduct of the petitioner is threatening. He does not appear to be a law abiding citizen and has committed heinous offence.

16. The offence alleged against the petitioner are under Sections 16, 17, 18 of Bonded Labour System Abolition Act R/W Sections 341, 370 and 374 of IPC.

17. Learned counsel would submit that petitioner has no criminal antecedent and not a habitual offender. The circumstances of the case are that on the allegation of offences punishable under section under Sections 16, 17, 18 of Bonded Labour System Abolition Act R/W Sections 341, 370 and 374 of IPC, the petitioner was committed to judicial custody and his bail petition was rejected by learned District Judge.

18. It is just and proper to allow the petition subject to conditions.

Petition is allowed. Petitioner is enlarged on bail in Crime No.44/2020 registered by respondent police against the petitioner for the offences punishable under Sections 16, 17, 18 of Bonded Labour System Abolition Act R/W Sections 341, 370 and 374 of IPC, subject to following conditions.

- i) The petitioner-accused shall execute a personal bond for Rs.1,00,000/- with a surety of a person possessing immovable properties for the likesum.
- ii) The petitioner-accused shall not terrorize the witnesses or tamper with the prosecution witnesses in any manner.
- iii) The petitioner shall undergo medical check-up immediately upon his release on bail, by suitable medical officer and quarantine himself exclusively in his house for a period of 14 days from the date of release unless he is required for hospitalization to prevent further complications regard being had to the fact of Covid-19.

**Sd/-
JUDGE**

SBN