

(2014) 07 KAR CK 0030
In the Karnataka High Court
Case No : Criminal Petition No. 4092 of 2014

Kumara

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 21-07-2014

Acts Referred:

Bonded Labour System Abolition Act, 1976 — Section 16, 17, 18
Criminal Procedure Code, 1973 (CrPC) — Section 439
Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 23, 26
Penal Code, 1860 (IPC) — Section 370

Citation : (2014) 5 KarLJ 345

Hon'ble Judges : Budihal R.B., J

Bench : Single Bench

Advocate : K.S. Chandrakanthegowda and M. Krishnadass, Advocate for the Appellant; B.J. Eswarappa, High Court Government Pleader, Advocate for the Respondent

Judgement

Budihal R.B, J.—This petition is filed by petitioner-accused under Section 439 of Criminal Procedure Code, 1973 seeking his release on bail of the alleged offences punishable under Section 370 of Indian Penal Code, 1860 and under Sections 23 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Sections 16, 17 and 18 of the Bonded Labour System (Abolition) Act, 1976 registered in respondent-Police Station Crime No. 212 of 2014. Heard the arguments of the learned Counsel for the petitioner-accused and also the learned Government Pleader appearing for the respondent-State.

2. As per the allegations in the complaint the case of the prosecution in brief is that on 11-6-2014 at about 10.00 a.m. one Sri Esthar Denial, the Director of International Justice Mission came to CID Office, Bangalore and filed a written complaint with DIGP, CID alleging that Kumara-petitioner herein, running a brick factory within the limits of Harohalli Police Station since three years in the name of VBC Brick Factory gave false assurance to the workers that he will give good advance and wages to them and restrained them not to go outside. Among the

workers one person by name Thangaraju escaped from that place and requested the NGO to save other workers. On the direction of DIGP, the complainant and his staff with Senior Police Officers and NGO's came to Harohalli and requested the Deputy Tahsildar to assist them at the time of raiding the brick factory. At about 1.30 p.m. they visited brick factory and took the workers into their custody and enquired with them. On enquiry, the workers informed them about their names and residential addresses. Complainant recorded their statements and they have stated before them that the owner of the brick factory has paid advance and is not paying sufficient wages and abused them in filthy language and also ill-treating them. Out of the said workers, 2 workers are minors. It is also alleged that there is assault by the petitioner on them and in that connection they have also filed complaints before the police station. On the basis of the said complaint case has been registered for the alleged offences.

3. Perusing the statement of witnesses particularly the minors they have stated in their statement that the present petitioner on the false assurance that he will make handsome payments to them, took them as workers in the aid factory and not allowed them to go outside. There are no facilities to them like food, shelter and clothing. Even the petitioner has assaulted the said workers. The statements given by workers before the police prima facie shows the commission of the alleged offences by the petitioner. As submitted by the learned Government Pleader the matter is still under investigation and the Investigating Officer has to record some more evidence and file final report in the case.

4. Looking to the nature of allegations made and the seriousness of the offence, I am of the opinion that at this stage, it is not proper for this Court to allow the petition and to release the petitioner on bail. However, after completion of investigation and filing of the charge-sheet petitioner can renew his request. With these observations, for the present, petition is rejected.