

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.8341 of 2020

Soundar (alias) Soundarajan

.. Petitioner

vs.

State Rep. by

The Inspector of Police,
Pathirivedu Police Station,
Thiruvallur District.

(Crime.No.54/2020)

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 439 Cr.P.C.to to enlarge the Petitioner on Bail in pending investigation in Crime.No.54 of 2020 on the file of The Inspector of Police, Pathirivedu Police Station, Thiruvallur District

For Petitioner : Mr. D.Meenkshi Sundaram

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 20.03.2020 for the offences punishable under Sections 316, 307 and 302 IPC in Crime No.54 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were in love for the past four years and the same was opposed by parents of both parties on the ground that they are close relatives. But love affair between the petitioner and the victim continued, both are major and they had indulged in consensual intercourse and as a result, the victim became pregnant. The Victim at her 8th month of pregnancy got scared of her stomach enlargement and change of physical appearance getting exposed wanted to abort the pregnancy. The petitioner seeing Youtube, tried to abort the child, the victim developed severe bleeding. Thereafter, the petitioner and victim's mother admitted victim in a Private hospital on 19.03.2020 and thereafter, the case came to be registered.

3. The contention of the petitioner is that the victim and the petitioner were in love affair for the past four years. Despite opposition of their parents, they continued their relationship and both of them had indulged in consensual intercourse due to which, the victim became pregnant and the Petitioner adopted a technique from youtube to deliver the baby by himself that lead to severe bleeding of the victim. The petitioner and the victim's mother had admitted the victim in the hospital and the child died while operating her. The defacto complainant has given a false complaint.

4. The learned Additional Public Prosecutor submitted that on the complaint of the victim case came to be registered. The victim was taken to the hospital on her profuse bleeding due to forcible attempt of abortion in the profuse got severe injuries. Hence, he vehemently opposed for grant of bail to the petitioner.

5. The learned counsel for the petitioner further submitted that issue between the families got resolved. The petitioner and the victim family, both parents agreed for marriage and the affidavit of mother of the victim. Indira and the victim Narmadha as well the affidavit of Selvam and Lakshmi mother and father of the petitioner accepting to conduct the marriage between the petitioner and the victim filed. He would further submit that the petitioner is in judicial custody from 20.03.2020 and therefore, he prays for grant of bail to the petitioner.

6. In view of the same and both the petitioner and victim are of marriagble age and there is no impediment in conducting the marriage between the petitioner and the victim and considering the facts and circumstances of the case and also taking note of the fact that the petitioner is in judicial custody from 20.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness 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].

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

12/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUVALLUR.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

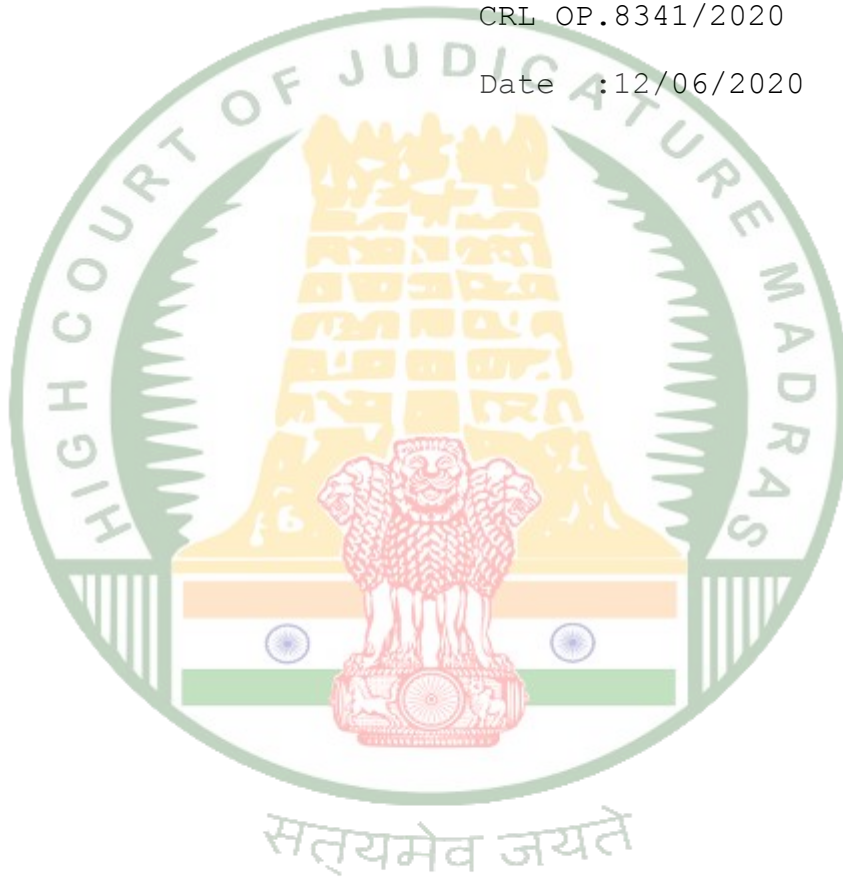
5 THE INSPECTOR OF POLICE,
PATHIRIVEDU POLICE
STATION, THIRUVALLUR DISTRICT.

CC to M/S.D.MEENAKSHI SUNDARAM Advocate on payment of
necessary charges

CRL OP.8341/2020

Date :12/06/2020

MK:10/11/2020



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