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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

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

Crl.O.P.No.9734 of 2020

G.Manikandan

... Petitioner

Vs.

State rep. By
The Inspector of Police
Samalpatti Police Station
Krishnagiri District
(Crime No.559 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.559 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.06.2020 for the offence punishable under Sections 9, 10 & 11 of the Prohibition of Child Marriage Act, 2006, in Crime No.559 of 2020, seeks bail.

2. The case of the prosecution as per the complainant M.Abinaya, aged about 14 years is that her mother compelled her and got her married to the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the family of the defacto complainant are relatives. The defacto complainant's mother is a widow and the petitioner's mother is a cancer patient and bed ridden and only the betrothal was arranged, however, the victim has mistaken it as marriage. She has also stated in the F.I.R. that there is no sexual assault and the petitioner is in custody from 02.06.2020.



4.The learned Government Advocate (Criminal Side) would submit that the petitioner is a relative of the defacto complainant. The parents of the petitioner and the mother of the victim girl knowing very well that the victim's age is 14 years, had conducted marriage between them. He would further submit that there is no sexual assault.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration from 02.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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 and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Uthangarai, Krishnagiri District, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 daily at 10.30 a.m. for a period of one week and thereafter 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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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-sd/-
08/07/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. J.PRADEEP Advocate on payment of necessary charges

CRL OP.9734/2020

Date :08/07/2020

MN-CS-07/08/2020