

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

Crl.O.P.No.13494 of 2020

SarathKumar

... Petitioner

Vs.

The State Represented by its
Inspector of Police,
Arakandanalur Police Station,
Arakandanalur, Villupuram District.
Crime No.730 of 2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail and release him in Crime No.730 of 2020 on the file of the Respondent police.

For Petitioner : Mr.P.Murali

For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 09.08.2020 for the offences punishable under Section 366(A) of IPC r/w Section 9 and 10 of Prohibition of Child Marriage Act in Crime No.730 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that the petitioner kidnapped his minor daughter and also conducted marriage.

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 submit that the petitioner and the daughter of the de facto complainant loved each other. Coming to know about the love affair, the de facto complainant compelled the victim for marrying someone against her choice and thereby, the victim herself eloped with the petitioner and they got married at a Temple. He would submit that the date of birth of the victim is 02.08.2002 and that after she attained majority, the marriage was performed on 03.08.2020 and that the petitioner surrendered before the Superintendent of Police, where he has been arrested.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner kidnapped the minor daughter of the de facto complainant and married her. He would submit that just three days before attaining majority, the petitioner had kidnapped the victim girl. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances and also considering the period of incarceration suffered by the petitioner from 09.08.2020, 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 condition to execute 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 within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Tirukoilur, 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 everyday at 10.30 a.m. for a period of two(2) weeks and thereafter, every Monday at 10.30.a.m until further orders.

(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 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/-

02/09/2020

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,
TIRUKOILUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ARAKANDANALUR POLICE STATION,
ARAKANDANALUR, VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ULUNDURPET.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S.P.MURALI Advocate on payment of necessary charges

CRL OP.13494/2020

Date :02/09/2020

RVR 15/09/2020

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