

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

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

CRL.O.P.No.15268 of 2020

1. Chandrasekar
2. Suresh

... Petitioners

Vs.

The State, represented by
Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Crime No.409 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.409 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Ramkumar

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 25.08.2020 for the offences punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006, in Crime No.409 of 2020, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant, the victim minor girl Shalini is that she is 15 years old and that her father against the wishes of her mother performed the marriage between her and the 1st petitioner / A1 on 24.06.2020 at Pogalur Veeramathiamman temple and thereafter she was living with the 1st petitioner and that during such time A1 had not touched her even once. The further allegation is that she was not interested in the marriage and hence, she herself gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and that it was an arranged marriage and the marriage was arranged by the father of the victim girl and it was represented to the petitioner that the victim is aged more than 18 years and only believing the representation of the father of the victim girl, the petitioner / A1 agreed for the marriage and that they got married on 24.06.2020. He would further submit that after the marriage, the victim informed the age and

stated that she is not interested in the marriage and hence, the petitioner so far has not touched the victim even once. He would further submit that it is also stated in the complaint that the petitioner has not touched the victim girl even once. He would further submit that the 1st petitioner believing the words of the father of the victim only agreed for the marriage. He would further submit that the 2nd petitioner is the friend of the 1st petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the father of the victim girl performed the marriage between the 1st petitioner and the minor daughter. She would further submit that the victim is only 15 years old girl.

5.Heard the learned counsel for the petitioner and the Government Advocate (Crl. Side). Perused the F.I.R. and other documents placed on record.

6.Taking into consideration of the facts and circumstance of the case and the submissions of the learned Counsels and also considering the period of incarceration of the petitioners from 25.08.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Mettupalayam, Coimbatore and on further conditions that;

(b) 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;

(c) the petitioners shall report before the respondent police every day at 10.30 a.m. until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

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

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

-sd/-

29/09/2020

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,
METTUPALAYAM, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DIST.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.15268/2020

Date : 29/09/2020

RVR 01/10/2020

WEB COPY