

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2020

CORAM :

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

Cr1.O.P.No.16711 of 2020

1.N.Vadivel
2.P.Shanmugam

...Petitioners

Vs.

The State by
The Inspector of Police
Krimangalam Police Station,
Dharmapuri District.
Crime No.1279 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.1279 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.J.Bharathi Raja

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. 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 29.09.2020 for the offence punishable under Section 174(3) of Cr.P.C. later altered into Sections 9, 10 of Child Marriage Act 2006, 5(i), 6 of POCSO Act read with 306 of IP in Crime No.1279 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Shanmugam is that he had received an information that her daughter one Devi Kala was in love with one unknown person. Since, her activities were not proper, he arranged marriage between her daughter and one Vijayakumar aged 25 year and their marriage was conducted on 03.06.2020 at Murugan Temple, Theethamalai. Thereafter, his daughter and his son- in-law were living happily. While so, on 02.07.2020 his daughter and son-in-law had come to his house and on the next day i.e. 03.07.2020 at 2.30 p.m., his daughter was found hanging.

3. The learned counsel appearing for the petitioners would submit that infact the the second petitioner is the informant in this case and the first petitioner is the father-in-law of the deceased. He would submit that admittedly the second petitioner's daughter/the deceased fell in love with a person belonging to other community and on fearing disgrace to the family, the second petitioner had arranged for marriage between his daughter and one Vijaya Kumar, the son of the first petitioner and after the marriage, the victim girl was living happily. While so, on 06.07.2020, the victim committed suicide for some other reasons and that the petitioners have been falsely implicated in this case. He would submit that the petitioner have been suffering incarceration for more than 35 days from 29.09.2020. Hence, he seeks for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that it is a case where the victim girl aged 16 years fell in love with a person belonging to other community. On coming to know about the same, the second petitioner who is the father of the deceased and informant in this case, arranged marriage between the minor girl and one Vijayakumar, the son of the first petitioner herein, against the wishes of the victim girl. Further, the first accused has committed repeated penetrative sexual assault on the victim girl due to which, the victim girl committed suicide by hanging. Originally, the case was taken as a case of suicide and later it was altered into Sections 9, 10 of Child Marriage Act 2006, 5(i), 6 of POCSO Act read with 306 of IPC. He would further submit that the investigation is pending.

5. Taking into account the nature of offence and the fact that the investigation is still pending, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

04/11/2020

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 OFFICER INCHARGE
SUB-JAIL, HARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

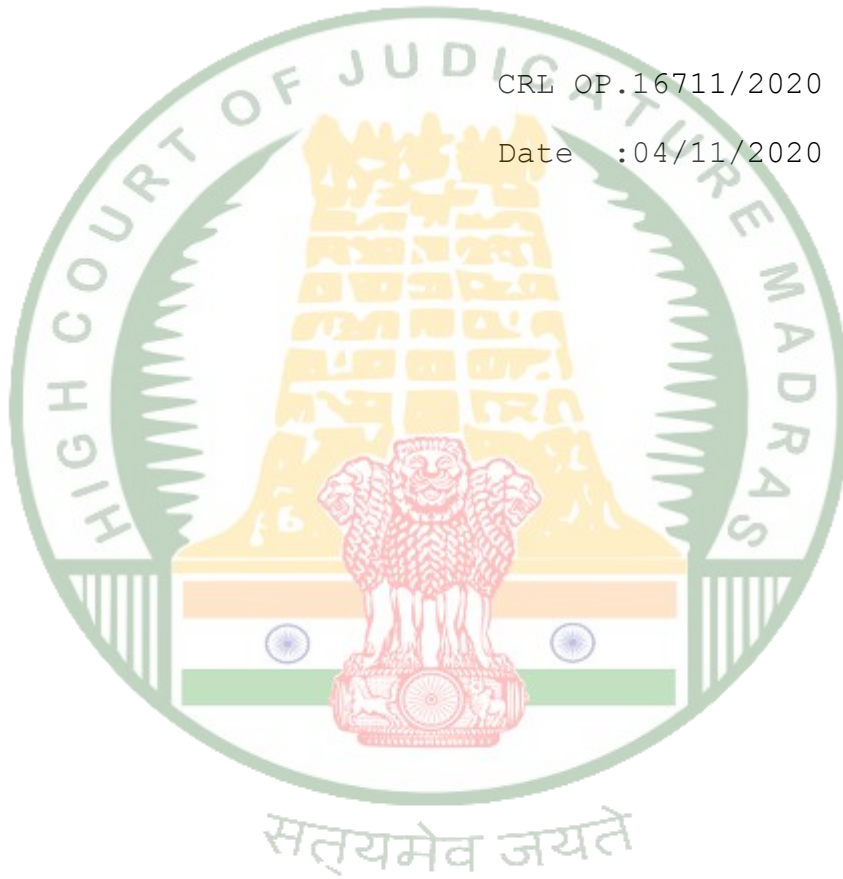
3 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

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

CRL OP.16711/2020

Date :04/11/2020

cs 23/11/2020



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