



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9030 of 2020

G.Vishnu

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Cantonment All Women Police Station,
Trichirapalli.
Crime No.14 of 2020

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 14 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 08.07.2020 for the alleged offence under Section 306 of IPC r/w Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.14 of 2020 on the file of the respondent Police, seeks bail.

2.Totally there are five accused in this case. The petitioner herein is the husband of the deceased minor girl, who is aged about 15 years. The allegation against the petitioner is that earlier, the petitioner had love affair with one Lavanya, Who is arrayed as A5 in this case. Due to compulsion of the parents of A1, as well as health condition of the mother of the deceased, A1 got married the deceased. Even after the marriage, A1 said to have illegal intimacy with A5 and also got married to A5. After knowing the fact, the deceased got upset and she said to have committed suicide by set fire herself. Hence, the crime has been registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner is the husband of the deceased. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in incarceration for more than 49 days and co-accused have already been enlarged on bail by the Court below and hence, he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner herein got married the deceased minor girl, who is aged about 15 years and after the marriage, A1 was having illegal intimacy with A5 and also got married to A5. After knowing the fact, the deceased got upset and thereafter she said to have committed suicide by set fire herself.

5.considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the records, it is seen that the deceased is the paternal aunt's daughter of the petitioner herein and the petitioner said to have illegal intimacy with A5 and the same has been known to the deceased, hence, she has committed suicide by set fire to herself and There is no other allegation of any demand or nay harassment, and considering the period of incarceration and also the fact that investigation is almost completed and the co-accused have already been enlarged on bail by the Court below, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Trichirapalli.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SESSIONS JUDGE,
MAHILA COURT, TRICHIRAPALLI.
- 2.THE INSPECTOR OF POLICE,
CANTONMENT ALL WOMEN POLICE STATION,
TRICHIRAPALLI.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9030 of 2020
Date :27/08/2020

VSG
TK/PN/SAR.2/27.08.2020/3P/5C