

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2375 of 2021

1.Anbumani
2.Babu

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1614 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.1614 of 2020 on the file of the Respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 30.12.2020 for the offence punishable under Sections 305 of IPC and Section 294(b) of IPC r/w. Section 4(B) of Tamilnadu Women Harassment Act, in Crime No.1614 of 2020, seek bail.

2. The first petitioner is the son of the second petitioner. The case of the prosecution is that the deceased is a minor girl, aged about 15 years, and she was in love with the first petitioner. Earlier, the petitioners said to have kidnapped the deceased and kept her in their house and after some mediation, the defacto complainant brought her back to his house and thereafter, the parents of the deceased arranged for marriage of the victim with another person. Hence, on 29.11.2020, the petitioners said to have threatened the defacto complainant stating that they will kidnap her, due to the same, the deceased committed suicide by consuming poison. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the first petitioner and the victim girl loved each other. But, the defacto complainant, who is father of the deceased, opposing the same and arranged marriage for the deceased with another person and hence, she committed suicide and this petitioner has been falsely implicated in this case. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that earlier the first petitioner and the deceased loved each other and thereafter, the parents of the deceased arranged for marriage of the deceased with another person and hence, the petitioners said to have threatened the defacto complainant stating that they would kidnap her for having marriage with the first petitioner, due to the same, she committed suicide by consuming poison. Hence, she opposed to grant bail to the petitioner.

5. Considering the fact and circumstances of the case and also the fact that earlier the first petitioner and the deceased loved each other and also considering the period of incarceration suffered by the petitioners, 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 learned Judicial Magistrate No.I, Namakkal, 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 as and when required for interrogation.

(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.

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

-sd/-

11/02/2021

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,
NO.I, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.1410

CRL OP.2375/2021

Date :11/02/2021

RVR 12/02/2021

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