

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE Mr. JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.4736 of 2021

Vijayaraj
S/o Govindaraj

... Petitioner

Vs.

State
Rep. by The Inspector of Police,
Kondalampatty Police Station,
Salem District.
(Crime No.25 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.25 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.S.T. Bharath Gowtham

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.01.2021 for the alleged offence punishable under Sections 294(b), 363, 366, 506(i) of I.P.C and Section 9,10 of Prohibition of Child Marriage Act, 2006 in Crime No.25 of 2020, seeks bail.

2. Totally there are 9 accused in this case and the petitioner herein is A2 . The allegation is that A1 in this case was in love with a minor girl aged 16 years and thereby A1 with the help of this petitioner and other accused persons had kidnapped the victim girl forcibly and married her. Based on the complaint given by the mother of the minor victim girl the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that A1 is the main accused in this case and the petitioner only assisted A1 to marry the victim girl. He would submit that the petitioner was arrested on 15.01.2021 and he was in judicial custody for more than 50 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this petitioner assisted A1 to kidnap a minor girl. She would further submit some of the accused persons were arrested and enlarged on bail and now the victim girl has been secured and the investigation was completed.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the fact that the victim girl was secured and also considering the period of incarceration suffered by the petitioner and the investigation was completed , 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Salem, 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 petitioner, on his release from prison, shall report before the respondent police as and when required for interrogation;

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

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

(f) the petitioner 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 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];

(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.

10.03.2021

smn

To

1. The learned Judicial Magistrate, Additional Mahila Court, Salem

2.The Inspector of Police,
Kondalampatty Police Station,
Salem District.

3.The Jailer
Salem Central Prison,
Salem

4.The Public Prosecutor,
High Court of Madras,
Chennai.



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V.BHARATHIDASAN , J.

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