

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4588 of 2021

1. Athithyan
2. Pushparaj

... Petitioners

Vs.

The Inspector of Police,
Vellore North Police Station (Law & Order),
Vellore District.
Crime No.2310 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.2310 of 2020 on the file of the respondent police.

For Petitioner : Mr. S. Silambuselvan

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 31.01.2021 for the offence punishable under Sections 366(A) of IPC and Section 9, 10 of Child Marriage Act 2006 in Crime No.2310 of 2020, seeks bail.

2. Totally, there are three accused and the petitioners are A2 and A3. The case of the prosecution is that A1 was in love with a minor girl and the petitioners are friends of A1. All of them kidnapped the minor girl and subsequently A1 married the victim girl. Based on the complaint given by the parents, the petitioners were arrested on 31.01.2021.

3. The learned counsel for the petitioners would submit that the main accused is A1 and the petitioners are his friends. The only allegation against the petitioners is that they helped A1 to marry

the minor girl. They are in jail for more than 40 days. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that even though the main allegation is only against A1, the victim girl is yet to be secured and these petitioners, who are friends of A1, kidnapped the victim girl and got her married to A1. Hence, she vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, and the fact that the petitioners are friends of A1 and the only allegation against them is that they said to have helped A1 to marry the victim girl and also taking note of 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.4, Vellore, 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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 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.

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

-sd/-
09/03/2021

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.4, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION (LAW AND ORDER),
VELLORE DISTRICT.

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

WEB COPY

CRL OP.4588/2021

Date :09/03/2021

cs 09/03/2021