

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9562 of 2021

Nagarajan

... Petitioner

Vs.

The State by
Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
(Crime No.275 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail, pending investigation, in connection with the case in Crime No.275 of 2021 on the file of the Respondent.

For Petitioner : Mr.M.Karthik

For Respondent : Mr.E.Raj thilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 27.04.2021 and remanded to judicial custody for the offences under Section 11 of the Prevention of child Marriage Act and Sections 80 and 81 of Juvenile Justice Act, in Cr.No.275 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the neighbour of the defacto complainant. The petitioner along with other accused had arranged the marriage of the defacto complainant, who was a minor and as a result of which, the victim had given birth to one male child. Subsequently, the husband of the defacto complainant died and she fell in poverty. Thereafter, the petitioner along with other accused persons arranged for sale of the infant aged about 5 months for a sum of Rs.2,50,000/-. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 27.04.2021 Therefore, he prays to grant bail to the petitioner.

4. The learned counsel appearing for Government of Tamil Nadu (CrI.Side) would submit that the investigation is almost completed. Hence, he vehemently oppose for grant of bail to the petitioner.

5. Considering the fact that the investigation is almost completed, there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Salem, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate Court, Kumarapalayam, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate Court, Kumarapalayam.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

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

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

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

(g)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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/06/2021

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,
KUMARAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.I.C.VASUDEVAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9562/2021

Date :02/06/2021

RVR 03/06/2021



सत्यमेव जयते

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