



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13510 of 2021

1. Manikandan
2. Kalavathi
3. Sekar

.. Petitioners

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Walaja Police Station,
Ranipet District.
Cr.No.363 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge on bail in connection with the case in Cr.No.363 of 2021 pending on the file of the respondent police.

For petitioners : Mr.S.Arun Kumar

For Respondent : Mr.C.E. Pratap
Government Advocate (Criminal Side)

ORDER

The petitioners who were arrested on 21.06.2021 and remanded to judicial custody for the offences under Sections 174 (3) of CR.P.C r/w 109,306 of I.P.C and under Section 4 of POCSO Act, 9,10,11 of Children Act, in Crime No.363 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner's family and the deceased family are relatives and they have compelled the deceased to marry the first petitioner. After the marriage there was some misunderstanding between them, due to which the deceased consumed poison and died. Hence , the law enforcing agency registered a case against the petitioners.



3. The learned counsel appearing for the petitioners submitted that there was some family dispute in the family, due to which the petitioners consumed poison. Apart from that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in the case and he is in judicial custody from 21.06.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate submitted that due to the harassment made by the petitioners, the deceased committed suicide by consumed poison. Hence, he vehemently opposed for grant of bail to the petitioners.

6. Considering the facts and circumstances of the case the main allegation is against A1/first petitioner, this Court is not inclined to grant bail to the first petitioner and this petition is dismissed with regard to first petitioner. Considering the period of incarceration suffered by the second petitioner/A3/Kalavathi and third petitioner/ A4/ Sekar who are mother and father-in-law of the deceased respectively, this Court is inclined to grant bail to the petitioners with following conditions:

7. Accordingly, the second and third petitioners are ordered to be released on bail on his executing 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 Special Courts for Exclusive Trial of cases under POCSO Act, Vellore in CMP No.517 Of 2021, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second and third petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders.

(c) the second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second and third 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]; and;



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

WEB COPY

-sd/-
04/08/2021

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 SPECIAL COURTS FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VELLORE IN CMP.NO.517/2021

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR MEN,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
WALAJA POLICE STATION,
RENIPET DISTRICT.

+1 CC to M/S.S.ARUNKUMAR Advocate on payment of necessary charges
SR.No.8133

CRL OP.13510/2021

Date :04/08/2021

cs 05/08/2021