

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20253 of 2020

1. V. Vijayakumar
2. V. Mani
3. S. Saravana

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.1279 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.1279 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. J.Bharathi Raja

For Respondent : Mr.M. Prabavathy
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who are A1, A3 and A5, were arrested and remanded to judicial custody on 22.10.2020 for the offence punishable under Sections 9, 10 of Child Marriage Act 2006, 5(i), 6 of POCSO Act r/w. 306 of IPC, seeks bail.

2. First petitioner/A1 is the husband of the deceased and petitioners 2 and 3/A3 & A5 are relatives of the deceased. The case of the prosecution is that the victim girl, aged about 17 years, was earlier had love affair with some body and thereafter, on 03.06.2020, the victim was said to be compelled to marry A1. Thereafter, the victim was residing with A1 in matrimonial home. Subsequently, on 03.07.2020, victim committed suicide by hanging. Hence, a case has been registered against the petitioners and others.

3. The learned counsel for the petitioners would submit that A1, who is the husband of the deceased was not aware of the fact that the victim was a minor and that she had love affair with another person. He would further submit that after marriage, the victim and A1 were living happily, suddenly, she committed suicide by hanging. There is no specific allegation that the petitioner has abetted the deceased, aged about 17 years, to commit suicide. The second petitioner is the

mother of the first petitioner/A1 and the third petitioner is the mother of the deceased.

4. The learned Additional Public Prosecutor would submit that the the deceased is a minor girl and she was forcibly given in marriage to A1 and hence, she committed suicide. Hence, she opposed to grant bail to the petitioner.

5. Considering the fact that there is no specific allegation against the petitioners for abetment 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 Fast Track Mahila Court, Dharmapuri 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/-

08/01/2021

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 FAST TRACK MAHILA COURT,
DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM

CC to M/S J.BHARATHI RAJA Advocate on payment of necessary charges Sr.252

CRL OP.20253/2020

Date :08/01/2021

RVR 11/01/2021

WEB COPY