



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2515 of 2022

Muthukumar

... Petitioner/Accused No.1

Vs

The State represented by its
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.880 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.J.KARTHICK,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.880 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

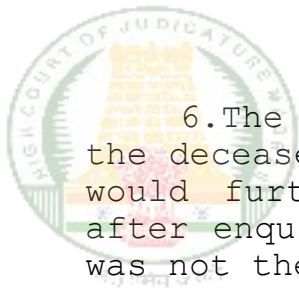
The petitioner/A.1, who was arrested and remanded to judicial custody on 09.12.2021 for the offence punishable under Section 174(3) Cr.P.C. altered into Section 306 IPC, Sections 5(1), 6 of POCSO Act, 2012 and Sections 10 and 11 of Prohibition of Child Marriage Act, in Crime No.880 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had married the victim girl in the presence of the victim girl's mother and due to matrimonial dispute, the victim girl committed suicide. Hence, the defacto complainant, who is the father of the victim girl, has lodged a complaint.

3.It is evident from the records that originally the case was registered under Section 174(3) Cr.P.C., subsequently altered into Section 306 IPC, Sections 5(1), 6 of POCSO Act, 2012 and Sections 10 and 11 of Prohibition of Child Marriage Act.

4.It is not in dispute that the marriage between the petitioner and the deceased was solemnized on 04.07.2021 and that she committed suicide on 01.12.2021.

5.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.



6.The learned Additional Public Prosecutor would submit that the deceased was aged about 15 years at the time of the marriage. He would further submit that the Revenue Divisional Officer (RDO), after enquiry, has submitted his decision that the Dowry harassment was not the reason for the alleged suicide.

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7.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 09.12.2021, that the investigation has already been completed and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Thoothukudi.

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

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

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/02/2022

/ TRUE COPY /

16/02/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.I
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2515 of 2022

Date :15/02/2022

SA/PN/SAR.2/16.02.2022/3P/6C