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Crl.O.P.No.11200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11200 of 2023

Soodan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District
(Cr.No.27 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.27 of 2023, on the file
of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.03.2023, in connection with Crime No. 27 of 2023, registered for the offence punishable under Sections 306 IPC, Section 5 (j) (ii) of POCSO Act and Section 9, 10 of Child Marriage Act, 2006, seeks bail.

2.The case of the prosecution is that the defacto complainant's daughter aged about 19 years was married to A1 with the consent of both the families. Thereafter, A1 had an illicit relationship with another women and started harassing the victim girl and demanded dowry, at the time of harassment, the victim girl was three months pregnant, due to which, she committed suicide by hanging and died on 16.03.2023. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submitted that the petitioner is only the father of A1 and he has nothing to do with the alleged occurrence. He further submitted that the petitioner has been suffering incarceration for a period of



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60 days. Therefore, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) submitted that the petitioner along with A1 have harassed the victim girl in her pregnancy period, which resulted in the death of the victim girl. He further submitted that nine witnesses have been examined and RDO enquiry is pending. Therefore, he opposed to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and the period of incarceration undergone by the petitioner and that nine witnesses have been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri, and on further conditions that:

[a] the sureties shall affix their photographs and



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

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

Anu



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To

1. The Sessions Judge, Fast Track Mahila Court, Dharmapuri.
2. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District
3. The Sub Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN,J.



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