



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.13373 of 2023

Aravindhan

.. Petitioner

Vs.

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

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail concern in Cr.No.27 of 2023 on the file of the Inspector of Police, Mahendramangalam Police Station, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

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



ORDER

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The petitioner/1st accused, who was arrested on 17.03.2023 for the alleged offences punishable under Sections 174(iii) Cr.P.C. @ to 306 IPC, Section 5(j)(ii) of POCSO Act and Section 9 and 10 of Child Marriage Act, 2006, in Crime No.27 of 2023, seeks bail.

2. The wife of the petitioner aged 19 years old committed suicide within one year of their marriage. At the time of her death, she has two months old fetus. Hence, the petitioner was arrested on 17.03.2023 for the said offences.

3. The petition for bail filed on 09.06.2023, a copy served at the Public Prosecutor office on the same day and it is reported that the final report is not yet filed. Since the petitioner is in judicial custody for more than 90 days, the petitioner is entitled for statutory bail due to default of the investigating agency.



4. As a result, bail is granted to the petitioner under Section 176

of Cr.P.C and he is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute 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 **Sessions Judge, Fast Track Mahila Court, Dharmapuri;**

(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 petitioner is directed to report before the **Investigating Officer daily at 10.30 a.m., till filing of the final report and thereafter, to report before the concerned Court on every hearing date and first working day of every month till the end of the trial;**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

16.06.2023

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To

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

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Dr.G.JAYACHANDRAN, J.

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