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CrI.O.P.No.19440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.19440 of 2024

A.Ajith

...Petitioner/Sole Accused

Vs.

State represented by,
Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.210 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in Crime No.210 of 2024 on the file of respondent police.

For Petitioner : Mr.J.Bharathi Raja

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 09.07.2024 for the offences under Sections 194(3) of the BNSS @ 9 of the Prohibition of Child Marriage Act, 2006, in Crime No.210 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the minor/victim girl. It is alleged that the petitioner has performed a child marriage with the victim girl. Due to that forced marriage, the victim consumed poison and died. At the time of committing suicide, the deceased was about 17 years and 4 months old. Thereby, the Social Welfare Officer lodged a complaint against the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner/husband of the victim is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the victim was often suffering from mysterious head aches; despite taking treatment, the same did not get cured; hence, the date of occurrence; the victim had severe head aches and was unable to bear the same; she consumed poison



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and died; and that the petitioner has been in custody since 09.07.2024. He further submitted that the petitioner is a law-abiding citizen and that he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner is alleged to have performed child marriage to the victim girl. He further submitted that petitioner/accused is the husband of the minor victim girl/deceased; and that no previous case is pending against the petitioner. However, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, the relationship between the petitioner/accused and the victim, the fact that no previous case is pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. 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, Krishnagiri* and on further conditions that:

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

[b] the petitioner shall not abscond either during investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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];

[e] f the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.



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To

- 1.The Sessions Judge
Fast Track Mahila Court,
Krishnagiri.
- 2.The District Jail
Dharamapuri.
- 3.The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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