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Crl.O.P.No.27457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27457 of 2024

Sivamani

...

Petitioner

Vs.

State represented by
The Station House Officer,
Vadaponparrapi.

Crime No.283 of 2024

...

Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, to enlarge the petitioner on bail in Crime No.283 of 2024 on the file of the respondent Police.

For Petitioner ... Mr.M.John Kennady

For Respondent ... Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Petition has been filed by the petitioner/Accused No.1, who was arrested and remanded to judicial custody on 25.08.2024, seeking bail in Crime No.283 of 2024 registered for the offence under Sections 85, 296 (b), 115 (2) of BNS and 9 of CMR Act 5(1) r/w 6(1) of POCSO Act.

2.The case of the prosecution is that the petitioner/A1 and the



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minor victim girl loved each other and they got married. After a period of one and half years, due to demand of dowry, the victim girl had consumed rat poison. She was hospitalized for treatment. Hence, the case.

3.Learned counsel appearing for the petitioner would submit that the petitioner is aged about 19 years and he fell in love with the victim girl who was 17 years old. They got married without the consent of the both the parents of either side. Due to misunderstanding, the victim girl had consumed rat poison. The petitioner is an innocent person and he has not committed any offence as alleged in the complaint and he has been falsely implicated in this case. The petitioner has been suffering incarceration from 25.08.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the first accused, his father is the second accused and his mother is the third accused. The petitioner/A1 fell in love with the minor victim girl and got married. All the accused had demanded dowry and threatened the victim girl. Hence, the victim girl had



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consumed the rat poison, hence, he opposed for granting bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the the statement of 183 of BNSS available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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**, out of which, one must be of his father or mother, each for a like sum to the satisfaction of the **Additional Mahila Court, Kallakurichi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Mahila Court Judge may obtain a copy of their Aadhar card or



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Additional Mahila Court, Kallakurichi, on all working days at 10.30 a.m., till filing of charge sheet and thereafter, on the date of hearing fixed by the trial Judge;

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

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

[e] On breach of any of the aforesaid conditions, the learned Mahila Court Judge /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 Mahila Court Judge /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 269 B.N.S.



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To

- 1.The Additional Mahila Court,
Kallakurichi.
2. The Superintendent,
Central Prison,
Cuddalore, District.
- 3.The Station House Officer,
Vadaponparrapi.
Crime No.283 of 2024.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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