



**Crl.OP.No.5131 of 2022**

**Dr.G. JAYACHANDRAN, J.**

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The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.3 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Social Welfare Officer, Anchetti, Krishnagiri District, who made a complaint stating that on 11.02.2022 at about 7.00 a.m., they got a secret message for arrangement of child marriage. On the said information, they went to the place of occurrence and saw that the daughter of the 9<sup>th</sup> petitioner viz., Lokeshwari aged about 17 years was arranged child marriage with the 1<sup>st</sup> petitioner herein by the relatives of both the family. Hence, the defacto complainant secured the girl and made a complaint against the petitioner. Based on the complaint, the respondent police registered a case against the petitioners.



3. The petitioners apprehend arrest in a case registered against them under the Child Marriage Registration Act.

4. The learned counsel for the petitioners has submitted that the petitioners are distant relatives of the boy and they are in no way connected with the child marriage and also submitted that the age of the girl is under dispute and she has already crossed 18 years. Hence, he prays to grant anticipatory bail to the petitioners.

5. Heard both sides.

6. Considering the nature of the complaint, this Court is of the view that the petitioners may be granted anticipatory bail on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate, Denkanikottai* on condition that the petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five**



**Thousand only) each**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**(c) the petitioners shall report before the Investigation Officer as and when required for an interrogation ;**

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned



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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]***; and

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

Vv/gv

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