



Crl.O.P.No.15723 of 2022

Crl.O.P.No.15723 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10, 11 of the Prohibition of Child Marriage Act 2006 & 5(l), 5(j)(ii) r/w 6 of POCSO Act in Crime No.18 of 2022, seek anticipatory bail.

2. The alleged occurrence is said to have taken place on 13.12.2021 and the complaint was lodged by the *de-facto* complainant/District Social Welfare Officer, Salem.

3. The case of the prosecution is that Namakkal District Welfare Officer received an information that, a minor victim girl has been married to the 1st petitioner at the instigation of the petitioners 2 to 5 and after the marriage, the 1st petitioner is leading a matrimonial life with the victim girl and now the victim girl is pregnant. Upon receiving the aforesaid information, the *de-facto* complainant lodged the present complaint before the respondent police.



Crl.O.P.No.15723 of 2022

3. According to the case of the prosecution, parents of A1 arranged his marriage with the victim girl aged about 17 years. The victim and the 1st petitioner are living together.

4. Considering the above facts, this Court is of the view that custodial interrogation of the petitioners is does not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for POCSO Offences - Salem, on condition that each of the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on



Crl.O.P.No.15723 of 2022

further condition that:

[a] the petitioners and the sureties shall affix their photographs and 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.07.2022

mpl



WEB COPY



Crl.O.P.No.15723 of 2022

G.K.ILANTHIRAIYAN, J.
mpl

Crl.O.P.No.15723 of 2022

07.07.2022