



Crl.OP.No.16483 of 2022

Crl.O.P.No. 16483 of 2022

**G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 and 10 of the Child Marriage Restraint Act 1929 and Section 11 of the Prohibition of Child Marriage Act 2006 in Crime No. 30 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the 1<sup>st</sup> petitioner married the victim girl aged about 16 years and it is an arranged marriage. It is the further case of the prosecution is that after receiving the complaint from the District Social Welfare Officer, the respondent police has registered a case as against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are ready and willing to register the marriage and produce the same. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that it is an arranged marriage by the parents. A1 is husband of the victim girl. A2 and A3 are parents of A1. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 is made ready, before the learned Additional Mahila Court (Fast Track), Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 1<sup>st</sup> petitioner shall register his marriage with the minor victim girl, immediately on her attaining majority, before the concerned Register Office and shall produce the registration certificate before the respondent Police. Failing which, the anticipatory bail granted to the



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1<sup>st</sup> petitioner shall stand automatically cancelled and the respondent Police shall secure the 1<sup>st</sup> petitioner and proceed in accordance with law.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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