



Crl.O.P.No.16800 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 366 of IPC, 1860 and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1), 5(j)(ii) r/w Section 6(i) of the Protection of Child from Sexual Offences Act, 2012 in Crime No.144 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and his wife along with her mother had visited the nearby hospital for delivery. At that time, the hospital authorities came to know that the petitioner's wife is aged about 17 years and reported to the respondent police. Thereafter, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that the



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petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner's wife /victim girl is aged about 17 years. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of available records reveals that though the victim girl is aged 17 years, the petitioner and the victim girl got married and gave birth to the male child. After delivery, it was informed to the respondent and the present case has been registered. However, the petitioner and victim girl are living happily with their child.

6. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Court, Dharmapuri on condition that the petitioner shall execute 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 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either



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during investigation or trial.

[d] the petitioner 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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