



Crl.O.P.No.17260 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and Section 5(1) and 6(6) of Protection of Child from Sexual Offences Act, 2012 in Crime No. 8 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the 1st accused got married to the minor victim girl, aged about 16 years in the presence of their parents. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally five accused involved in this cases, in which, the petitioners are arrayed as A4 and A5. The 1st accused is the husband of the victim girl. A4 and A5 are father-in-law and mother-in-law of the victim girl. He would further submit that A1 to A3 were arrested and remanded to judicial custody. However, he vehemently opposed to grant



anticipatory bail to the petitioners.

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5. Even according to the case of the prosecution, the victim girl had taken poison herself, immediately, she consumed soap water and vomited all the poisonous substances. Later she informed to the 1st accused, immediately he taken the victim girl to hospital for treatment.

6. Considering the fact and circumstances of the case, 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 District POCSO Court, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st 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 and the 2nd petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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