



Crl.OP.No.17750 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 376(2)(n) IPC and Section 5(1), 5(j)(ii) and 6 of POCSO Act, 2012, and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.8 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 04.07.2022, the defacto complainant lodged a complaint that he is residing in the complaint mentioned address along with two daughters and he is a labourer. His second daughter aged about 15 years studying at Chengam and he is living in Avalurpet by doing buying and selling banana leaves. The defacto complainant averred in the complaint that the marriage was held to the defacto complainant 19 years ago and due to the domestic quarrel, before 8 years, his wife went to Melmalaiyanur along with his last daughter. Thereafter, he left his eldest daughter and 2nd daughter with his mother and went to Avalurpettai for his business purpose. On 13.06.2022, the defacto complainant received a phone call from his village Nattamai and informed that her 2nd daughter got married.

Thereafter, he got the information from her daughter on the false promise



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made by the first accused he had married the defacto complainant's second daughter and also she got four months pregnant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are close relatives of first accused for which they have falsely implicated in this case and they are no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the petitioners forced the defacto complainant's daughter to marry A1 and further A1 was arrested and he is under Judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally four accused in this case in which, the petitioners are arrayed as A2 to A4 and A1 was already arrested and kept under judicial custody. As far as the petitioners are concerned, they are the family members of the first accused. Therefore, custodial interrogation of the petitioners do not required in this case.



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6.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with 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 fifteen days from the date on which the order copy made ready, before the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, on condition that the petitioners shall execute a 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 petitioners shall report before the respondent police daily Morning at 10.30 a.m for a period of two weeks thereafter as and when required for interrogation.

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



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[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.

28.07.2022

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