



WEB COPY



Crl.OP.No.18079 of 2022

Crl.O.P.No.18079 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006 @ 9 and 11 of Prohibition of Child Marriage Act, 2006 and under Sections 3(a) r/w Section 4 of Prevention of Child from Sexual Offences Act, 2012 in Crime No.1 of 2022 on the file of the respondent police, seek anticipatory bail.

2. There are totally eight accused in this case, in which the petitioners are arrayed as A3, A4 and A5. The case of the prosecution is that the defacto complainant, who aged about 16 years was forced by the petitioners and others to marry one Munirathinam/A6. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the



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prosecution and they have been falsely implicated in this case and the petitioners herein are only relatives of the defacto complainant. He further submitted that A7 and A9, who are the parents of A6 were granted anticipatory bail by this Court in Crl.O.P.No.13339 of 2022 dated 09.06.2022. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners, who are the close relatives of the defacto complainant forced the defacto complainant, who aged about 16 years to marry A6. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the petitioners are only relatives of the defacto complainant/victim girl, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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



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days from the date on which the order copy made ready, before the learned Sessions Judge, Fast Track Mahil Court, Dharmapuri 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 at 10.30 a.m. for a period of two weeks and thereafter 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

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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.

03.08.2022

Anu

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