



Crl.O.P.No.18206 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 and 10 of Child Marriage Restrain Act, 1929 and Section 11 of Prohibition of Child Marriage Act, 2006, in Crime No.31 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner married one A.Divya, who is 15 years old and it is a child marriage without consent of the victim girl. Further, the victim was stayed with the petitioner's house and again she went to her parents home. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is not connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



CrI.O.P.No.18206 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had committed in child marriage. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the petitioner fell in love with the victim girl who was aged about 15 years and the victim girl was secured. Further, there was not physical relationship between the petitioner and the victim girl. Therefore, custodial interrogation of the petitioner does not required in this case.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner shall file an undertaking affidavit before the Trial Court that he will not indulge in any illegal activities any further** and on such filing, the petitioner is ordered to be



Crl.O.P.No.18206 of 2022

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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 is made ready, before the learned Judicial Magistrate, Additional Mahila Court, Salem, on condition that the petitioner shall execute a separate 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 file an undertaking affidavit before the Trial Court that they will not indulge in any illegal activities any further.

[c] the petitioner shall report before the respondent police daily Morning at 10.30 a.m for a period of four weeks, thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CrI.O.P.No.18206 of 2022

WEB COPY

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

03.08.2022

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Crl.O.P.No.18206 of 2022

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Crl.O.P.No.18206 of 2022

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