



Crl.OP.No.18575 of 2022

Dr.G. JAYACHANDRAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act 2006 and Section 5(1), 5(j)(ii), 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.16 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The petitioner herein had married the minor girl and when the girl went to the hospital for delivery. Considering the age of girl, intimations sent to the respondent police and consequently, case has been registered. The Statement of the victim girl indicates that she and the petitioner herein are related remotely they fell in love and got married on 29.08.2021 in Mari Amman Temple in the presence of the family members and when she was family way, went to hospital for treatment at that time, the Doctors confirming her age, had intimated to the respondent police.



3. Considering the nature of the complaint and the admitted relationship between the petitioner and the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the *learned Special Cases under POCSO Act, Salem* on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioner shall report before the**



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Investigation Officer as and when required for interrogation ;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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 is 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]*; and

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Vv

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