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CrI.OP.No.18706 of 2022

CrI.O.P.No.18706 of 2022

**G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 9 and 10 of the Prohibition of the Child Marriage Act, 2006 and Section 5(I), 5(ii) (J) and 6 POCSO Act in Crime No.26 of 2022 on the file of the respondent police, seek anticipatory bail.

2. There are totally five accused in this case, in which the petitioners are arrayed as A2 to A5. The case of the prosecution is that the parents of A1 and the victim girl performed child marriage. Due to which, the victim girl, who aged about 17 years got pregnant. While examining the victim girl, the doctor found that the girl was minor and contacted the official of the Government Home. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further



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submitted that the petitioners are only parents of A1 and the victim girl and they have no role play for the above incident. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners are the father and mother of A1 and the victim girl, who performed child marriage to the victim girl and due to sexual harassment, the victim girl got pregnant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case and that the petitioners are only the parents of A1 and the victim girl, this Court finds that the custodial interrogation of the petitioners need not require. Hence, 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 days from the date on which the order copy made ready, before the Mahil Court, Perambalur on condition that the petitioners shall execute a bond



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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 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]**.



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

12.08.2022

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