



Crl.OP.No.18690 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 363, 366, 376(1) IPC and Sections 5(I), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act and Section 9 & 10 of Prohibition of Child Marriage Act, 2006 in Crime No.159 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl, who aged about 18 years eloped with A1 and married him. Due to the said wedlock, she became pregnant and thereafter got aborted. It is alleged that the petitioner helped A1 and the victim girl for performing marriage. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he



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prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is alleged to have helped A1 for performing marriage with the victim girl, who aged about 17 years. The statement of the victim girl has also been recorded under Section 164(5) Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement of the victim under Section 164(5) Cr.P.C reveals that the victim girl on her own volition eloped with A1 and since the petitioner herein is none other than own sister of A1, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Thiruppathur on condition that the petitioner



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shall execute a 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 appear before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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.

12.08.2022

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