



CrI.O.P.No.18660 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9 of Child Marriage Act, r/w Sections 6 and 5(1) of POCSO Act, in Crime No.140 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there was love affair between the petitioner and the victim girl, aged about 17 years and it was known by the parents of the victim girl. Thereafter, the victim girl was left out from house and married with the petitioner. Now, the victim girl is three months pregnant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl are living peacefully. He would further submit that a false complaint has been lodged by this defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner married with minor girl aged about 17 years old. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also taking note of the fact that the victim girl and the petitioner are living together happily. Therefore, custodial interrogation of the petitioner does not required in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be 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 made ready, before the learned Sessions (Fast Track Mahila) Judge, Namakkal, on condition that the petitioner 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



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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 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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