



Crl.O.P.No.19686 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 Sections 5(n), 5(l), 5(i) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.26 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had love with the defacto complainant/victim aged about 14 years. Further, both are having conversations over phone without knowledge of their parents. While that being so, on 04.03.2021, the defacto complainant called the petitioner over phone and informed the petitioner to come and take her from her home and marry her. Accordingly, on the next day, the petitioner is said to have come to the house of the defacto complainant and took her away to Sollavaram Temple and tied Thali. Thereafter, they went to the house of the petitioner and for which the petitioner's parents have not accepted for the same and thereafter they went to the house of the defacto complainant and they have also not accepted their marriage.



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Therefore, both have took separate home on rent and lived there for above seven months as family. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner committed child marriage with victim girl, aged about 14 years. Hence, the vehemently, opposed to grant anticipatory bail to the petitioner.

5. On a perusal of the statement under Section 164 Cr.P.C, it revealed that the the petitioner had fall in love with the victim girl and thereafter, the victim girl never married the petitioner. Whereas, on perusal of the FIR, it revealed that she got married and living together. However, she wants to close the case since she disputed the marriage, between the petitioner and the victim girl.



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6. Considering the above fact and circumstances of the case, 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.

7. 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 Mahila Fast Track Court, Thiruvallur, 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 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.



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[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]**.

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

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