



Crl.O.P.No.19991 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.99 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first and second petitioners were arranged child marriage to their son with the third petitioner's daughter, who was aged about 13 years. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are relatives and the first accused was arrested and remanded to judicial custody. He would further submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioners performed child marriage to their son with minor victim girl. He would further submit that initially the FIR was registered under Sections 9, 10 and 11 of Child Marriage Act, 2006, and thereafter, it was altered under Sections 9, 10 and 11 of Child Marriage Act, 2006, r/w Sections 5(1)6, 16 and 17 of Protection of Children from Sexual Offences Act, 2012. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also taking note of the fact that the petitioners are family members, they arranged child marriage between the first accused and the victim girl and further the first accused was arrested and remanded to judicial custody. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in



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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 learned Additional Mahila Court, Salem, on condition that the petitioners shall execute a bond 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 appear before the respondent police daily 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.



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[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]**.

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

24.08.2022

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