



Crl.O.P.No.21416 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 in Crime No.34 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is a Village Welfare Officer, Krishnagiri is that on 17.08.2022, she received an information from the public that a minor child, who is studying Diploma in Nursing was given a marriage to her maternal uncle. Based on the complaint, a case was registered for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 in Crime No.34 of 2022.

3. The learned counsel for the petitioner would submit that the petitioner is none other than the maternal uncle of the victim girl. He would further submit that only the betrothal was performed in a village, whereas a false complaint was given as if the marriage was performed.



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He would also submit that the petitioner and his family members are taking steps to marry the victim girl, as soon as she has attained marriageable age. He would also submit that the complaint was given on 17.08.2022 in respect of the occurrence on 06.02.2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is the maternal uncle of the victim girl, who is minor had performed the child marriage with the victim girl. There is no complaint of sexual assault. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also there is no allegations



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of sexual assault, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 **learned Additional Fast Track Mahila Court, Krishnagiri**, on condition that the petitioner shall execute a bond for **a sum of Rs.25,000/- (Rupees Twenty Five 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.

[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.

06.09.2022

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