



Crl.O.P.No.21785 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 Prohibition of Child Marriage Act, 2006, in Crime No. 6 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the District Social Welfare Officer is that the petitioner and her family members had arranged a child marriage to her minor daughter with her brother/A2. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner and her family members are poor villagers, who don't have any educational back ground and that without understanding the consequences and rigours of POCSO Act, they had performed the marriage between the petitioner's daughter and her brother/A2. He would further submit that A2 in this case was arrested and he has been enlarged on bail. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is the mother of the victim and she had performed child marriage of her daughter with her brother/A2. Subsequently, during the course of investigation, offences are altered to Section 3 r/w 4 of POCSO Act and Sections 9 & 10 of POCSO Act. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both the learned counsel and perused the materials including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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, Vaazhapadi** 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.

[b] the petitioner shall report before the respondent police **every day at 10.30 am for a period of two weeks and thereafter every Saturday at 10.30 am until further orders.**

[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.



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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 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.

16.09.2022

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