



Crl.O.P.No.22183 of 2022

Crl.O.P.No.22183 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10, 11 of Child Marriage Act r/w Sections 5(l), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.24 2022, seek anticipatory bail.

2.The case of the prosecution is that the accused persons have performed the child marriage between the first petitioner and the victim girl, due to which she became pregnant and delivered a male child. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners and family members of the victim girl are close relatives and that the marriage was arranged by both families. The petitioners were under the impression that the victim has attained majority and had agreed for the marriage and the marriage was performed and thereafter, the victim has become pregnant. The petitioners have admitted the victim



Crl.O.P.No.22183 of 2022

WEB COPY

girl for delivery and that time, the Doctor who performed the delivery, has given a complaint. He would further submit that the date of birth of the victim is 13.07.2004 and as of today, she is a major. He further submit that the first petitioner does not deny the paternity of the child and he is also ready to file an affidavit before the trial Court accepting the paternity of the child. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners and the family members of the victim girl are relatives and they have performed the marriage between the first accused and the victim girl who was 17 year old. On the complaint given by the Doctor, a complaint came to be registered.

5.Heard both the learned counsels and perused the materials available on record.



CrI.O.P.No.22183 of 2022

6.Taking into consideration the facts and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7.Accordingly, the petitioners are 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 Fast Track Mahil Court, Thiruvallur on condition that each of the petitioners 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 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.



WEB COPY



CrI.O.P.No.22183 of 2022

[b] At the time of furnishing the sureties, the first petitioner shall file an affidavit before the learned Magistrate accepting the paternity of the child;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;



Crl.O.P.No.22183 of 2022

WEB COPY

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

vkr

14.09.2022



WEB COPY



Crl.O.P.No.22183 of 2022

A.D.JAGADISH CHANDIRA, J.

vkf

Crl.O.P.No.22183 of 2022

14.09.2022