



Crl.O.P.No.22570 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(j)(ii) r/w.6, 16 and 17 POCSO Act, 2012 and Section 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.23 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 had committed penetrative sexual assault on the victim girl, thereby she became pregnant. Thereafter, the other accused who are the parents of the A1 and the parents of the victim girl performed the child marriage between them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are close relatives. The victim girl is none other than the daughter of petitioners 4 and 5. A1 and the victim girl have grown up together and they without understanding the rigorous and consequences of POCSO Act entered into consensual affair, due to which the victim has become pregnant and she also delivered a child. He would submit that the case has been registered based on the complaint given by the Social Welfare Officer. The petitioners 2 to 5 in order to save the honour of the family and protect the future of the victim have performed the marriage between the victim and A1. Hence, he prays to grant anticipatory



bail to the petitioners.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that A1 is aged about 19years and committed penetrative sexual assault on the victim who is only 13years and she became pregnant and delivered a child. The other accused who are the parents of the A1 and victim have performed the child marriage. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel and perused the materials available on record. Taking into consideration the facts and circumstances of the case, the allegation is that the A1 committed penetrative sexual assault on the victim who is only aged about 13years and she also delivered a child, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, the anticipatory bail against the first petitioner is dismissed and this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

6. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in 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 Special Court



Exclusive under Trial of POCSO Act cases, Coimbatore, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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 2 to 5 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 2 to 5 shall report before the respondent police daily at 10.30a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 5 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 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].

With the above directions, this Criminal Original Petition is ordered.



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