



Crl.O.P.No.22647 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, 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 and Section 5(l), 5(j)(ii), 6 of POCSO Act, 2012 in Crime No. 16 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the accused have performed child marriage between the 1st accused and the minor victim girl. Thereby, she became pregnant. When the accused had taken the victim girl to the hospital, the doctor found that the victim girl was minor. Based on his complaint, a case came to be registered. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the parents of the 1st accused and the victim girl. He would further submit that the son of the petitioner's 1 and 2 fell in love with daughter of the petitioners 3 and 4. He would further submit that without understanding the consequences and rigours of POCSO Act, they have performed the marriage in the presence of the family members. Other than that, the petitioners had not committed any offence. He would also



submit that the 1st accused had granted anticipatory bail by this Court in Crl.O.P.No.18575 of 2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioners had conducted child marriage between A1 and minor victim girl, thereafter, the minor victim girl became pregnant. He would submit that statement of minor girl is recorded under Section 164 of Cr.P.C., However, he opposed to grant anticipatory bail to the petitioners.

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 and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date on which the order copy made ready, before the **learned Special Court for Exclusive Trial of cases under POCSO Act, Salem** on condition that the petitioners shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty 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.

[b] the petitioners shall report before the Investigation Officer as and when required for interrogation.

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



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[d] the petitioners 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]**.

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

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