



Crl.O.P.No.23604 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend 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.490 of 2021, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant District Social Welfare Officer is that A4 and A5 performed child marriage of their daughter with one Sathiyamoorthy, who is the brother of A5. Hence, the case.

3. The learned counsel for the petitioner would submit that the victim girl is the daughter of the petitioners, she fell in love with A1 who is none other than the brother of the 2nd petitioner. Since, A1 is the maternal uncle of the victim girl, they had performed an informal wedding with an intention to perform the actual wedding after the girl attains the age of 21 years. He would further submit that the statement under Section 164 of Cr.P.C has also been recorded from the victim girl, wherein, she has not



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stated anything about the first accused having sexually assaulted her.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners are parents of the victim girl and they have performed the child marriage between their daughter and A1. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the counsel. Perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. Accordingly, the petitioners 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 Judicial Magistrate at Thittakudi** on condition that the petitioners shall execute separate 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.

[b] the petitioners shall report before the respondent Police twice daily at 10.30 a.m., for a period of three weeks and thereafter every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 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.

18.10.2022

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