



Crl.O.P.No.23216 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 Section 9 and 10 Child Marriage Restraint Act, 1929 read with Section 5(j) (ii) & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No. 24 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioner is the mother of the victim girl. The allegation as per the victim girl is that the petitioner had affair with so many persons and she had compelled and got her daughter married to the 4th accused against her wishes.

3. The learned counsel for the petitioner would submit that the petitioner is an HIV patient. In order to settle her daughter, she had arranged a marriage and now, her daughter is living happily with the 4th accused. He would further submit that since the petitioner was earlier having relationship with several persons, her daughter being antagonised had given a false complaint. He would also submit that the petitioner is



counting her days and there is no previous case as against her.

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4.The learned Government Advocate (CrI.side) for the respondent police would submit that the petitioner is the mother of the victim girl. She was having affair with several persons and she had compelled her daughter to get married to the 4th accused. He would further submit that the 4th accused has been arrested and thereafter, he was enlarged on bail. He would submit that the statement has been recorded from the victim girl under Section 164 of Cr.P.C.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is suffering from HIV, this Court is inclined to grant anticipatory bail with certain conditions.

6. 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 Fast Track Mahila Court, Salem** 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 as and when required.

[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.

[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]**.



Crl.O.P.No.23216 of 2022

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

23.09.2022

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