



Crl.O.P.No.23878 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioners, who apprehends arrest for the alleged offences under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Section 5(1) r/w.6 of POSCO Act 2012 in Crime No.40 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.12.2021 the respondent received information from the Government Officer that a victim minor girl had performed marriage with A1 and the petitioners who are the parents of A1 have arranged the marriage. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and the victim girl family are friends and relatives and no marriage was performed and only a Betrothal was conducted. The petitioners as well as the parents of A1 agreed to conduct the marriage between A1 and victim only after they attain the majority, based on the false information given by the villagers the respondent registered a case. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The Government Advocate (Crl.side) would submit that the petitioners are the parents of A1. The statement under Section 164 Cr.PC have been recorded from the victim girl by the Judicial Magistrate, wherein the victim had stated no such marriage had been performed between her and A1. He would further submit that this Court in Crl.OP.No.15073 of 2022 had granted anticipatory bail to the parents of the victim girl. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Special Court for Exclusive Trial of cases under POSCO Act, Cuddalore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

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[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 as and when required for interrogation.

[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

26.10.2022

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