



Crl.O.P.No.24565 of 2022

A.D.JAGADISH CHANDIRA,J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366, 376(2)(n) r/w 109 IPC, Sections 5(1) r/w 6 and 17 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act in Crime No.13 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, the A1/Santhosh had kidnapped a minor victim girl aged about 16 years and thereby committed sexual assault on her. The allegation as against the petitioners is that the petitioners performed child marriage to the victim girl with A1. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are brother-in-law and sister of A1 and they were not aware of the age of the victim and helped A1 perform marriage, only later, they came to know that the victim girl was a minor. The learned counsel for the petitioners further submitted that A1 has been arrested and is in custody. Thereby, the petitioners seek anticipatory bail.



4. The learned Government Advocate (Crl. Side) would submit that, the petitioners are brother-in-law and sister of A1 and that A1 has been arrested and a statement of the victim girl has also been recorded under Section 164 of Cr.P.C., wherein she had admitted that they have eloped and married. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the material on record including the statement of the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case and the averments as against the petitioners, this Court is inclined to grant anticipatory bail 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 Mahila Court at Thiruvallur** 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 Mahila Court at Thiruvallur everyday for a period of two (2) weeks at 10.30 a.m. and thereafter as and when required.

[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



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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.

13.10.2022

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