



Crl.O.P.No.24000 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 the Prohibition of Child Marriage Act, in Crime No.16 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant who is a Women Rural Welfare Officer is that, the petitioners along with other accused had performed child marriage to the victim girl who is aged about 15 years with one Pasupathi. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and false complaint has been foisted against them. The first petitioner is the mother of the victim girl and the second petitioner is the mother of the said Pasupathi. Hence, he seeks for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) produced the statement of the victim girl recorded under Section 164 of Cr.P.C.,. He opposed to grant anticipatory bail to the petitioners.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C revealed that, no marriage was performed and only puberty function was conducted in the temple.

6. Taking into consideration of the facts and circumstances of the case, 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 Additional Mahila Court, Magistrate Level, Cuddalore** 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 daily at 10.30 a.m. for a period of two weeks and thereafter on 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.

[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]**.

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Crl.O.P.No.24000 of 2022

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

11.10.2022

Sma

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