



Crl.O.P.No.24052 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 Sections 9 and 10 of the PROHIBITION OF CHILD MARRIAGE ACT, 2006, in Crime No. 09 of 2021, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is the District Social Welfare Officer is that, the petitioner, who is the sister of the first accused along with others performed child marriage to the minor victim girl. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and false complaint has been lodged against him. He would further submit that, co-accused in this case had been granted anticipatory bail. Hence, he seeks for grant of anticipatory bail to the petitioner.



3. The learned Government Advocate (Crl. Side) would submit that, FIR has been registered in the year 2021. He would further submit that co-accused in this case had been granted anticipatory bail. However, he opposed to grant anticipatory bail to the petitioner.

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

5. 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 Special Court for Trial of Cases under POCSO Act, 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:



Crl.O.P.No.24052 of 2022

[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 daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

[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]**.

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

11.10.2022

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