



CRL.O.P.No. 24475 of 2022

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SATHI KUMAR SUKUMARA KURUP., J.

The Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act 2006, in Crime No.515 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the Extention Officer, Vaazhapadi Union, she received information regarding the child marriage at Eswaran Kovil, Belur, Salem. Based on the information, the Panchayat Welfare Officer, Vaazhapadi and the defacto complainant were went to the village and enquired and came to know that on 09.09.2022, the first petitioner viz., Arul Mani got married one Kiruthika, who is the daughter of the 4th and 5th petitioners. Hence the complaint.

3. The learned counsel for the Petitioners submitted that the Petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution. He would further submit that all the petitioners were not aware of the fact that that the victim girl is a minor. Hence, he prays for grant of anticipatory bail to the Petitioners.



CRL.O.P.No. 24475 of 2022

4. The learned Government Advocate (Crl side) submitted that the defacto complainant who is the Extention Officer, Vaazhapadi Union, she received information regarding the child marriage at Eswaran Kovil, Belur, Salem. Based on the information, the Panchayat Welfare Officer, Vaazhapadi and the defacto complainant were went to the village and enquired and came to know that on 09.09.2022, the first petitioner viz., Arul Mani got married one Kiruthika, who is the daughter of the 4th and 5th petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel, 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 by the Respondent Police or the Police Officer, who intends to arrest or on the Petitioners surrender before the ***learned District Munsif-Cum-Judicial Magistrate Vazhapadi***, within a period of fifteen days from the date of receipt of a copy of this order, each of the petitioners on executing separate bonds 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 ***learned District Munsif– Cum- Judicial Magistrate, Vazhapadi***.



CRL.O.P.No. 24475 of 2022

Further, one of the sureties shall be a blood relative.

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(a) the sureties shall affix their photographs and left thumb impression in the surety bond. The Police Officer who intends to arrest or the learned Judicial Magistrate before whom the Petitioners surrender and the sureties execute bond shall obtain a copy of their Identity Card, Aadhar Card or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioners shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

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CRL.O.P.No. 24475 of 2022

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Crl.O.P.No. 24475 of 2022

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