



Crl.O.P.No.24830 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 alleged offence punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and under Section 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.200 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners who are the parents of A1 and the victim girl had performed the child marriage of the victim minor girl with A1 and thereafter A1 had committed penetrative sexual assault on the victim girl. Hence the complaint.

3.Learned counsel appearing for the petitioners would submit that the petitioners are none other than the relatives of the main accused. He added that the 1st and 2nd petitioners are the parents of A1 and 3rd and 4th petitioners are the parents of the victim girl. He would submit that they are all close relatives and only the betrothal was performed, whereas on the



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information given by some persons as if they have conducted the marriage.

The respondent police have registered a case against them on receiving the intimation from the Child Welfare Committee. He added that A1 in this case was arrested and later enlarged on bail. He would submit that as per their customs, only the betrothal was performed.

4.Learned Government Advocate (Crl. Side) vehemently oppose, stating that the petitioners are respectively the parents of A1 and the victim girl. They have performed the child marriage, pursuant to which, A1 had committed sexual assault. However, A1 has been arrested and enlarged on bail. The statement is also recorded from the victim minor girl under Section 164 Cr.P.C.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side). Perused the materials placed on record, including F.I.R. and the statement recorded under 164 Cr.P.C.

6.Taking note of the facts that the petitioners are none other than



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the parents of A1 and the victim girl, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode, on condition that the petitioners shall execute a 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;



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[b] the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two (2) weeks and thereafter 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]; and;

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

14.10.2022

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