



Crl.O.P.No.26093 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, 2006 and Sections 5(1), 5(j)(ii), 6, 16 and 17 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.20 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that she had love affair for several years with one Parasuraman. Thereafter, on 19.01.2019, the said Parasuraman married the de facto complainant. After the marriage, she was pregnant and delivered a male child on 23.08.2020. The further allegation is that their marriage was not accepted by the in-laws of the de facto complainant. Hence, the de facto complainant gave a complaint against the accused before the respondent police.



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3. The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail by this Court in Crl.O.P.No.24622 of 2021 vide Order dated 22.12.2021 with a direction to surrender within a period of two weeks. However, due to their inability to arrange sureties they were unable to surrender and furnish the sureties, thereby, the earlier Order has got lapsed and the present anticipatory bail petition has been filed. He would further submit that the petitioners are now ready and willing to surrender before the trial Court. Hence, he seeks to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners were granted anticipatory bail by this Court in Crl.O.P.No.24622 of 2021 vide Order dated 22.12.2021, however they failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.



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

7. Accordingly, the each of the petitioners shall pay a sum of Rs.1,000/- (Rupees Five Hundred only) as cost to the **Taluk Legal Services Authority attached to the Court** and on such payment, 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 Special Sessions Judge for POCSO Act, Salem**, on condition that each of the petitioner 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:



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[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 each of the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) as cost to the **Taluk Legal Services Authority attached to the Court**, and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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



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himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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