



Crl.OP.No.25268 of 2022

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A.D.JAGADISH CHANDIRA, J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(j)(ii), 5(l) r/w 6 of POCSO Act, 9 r/w 10 and 11 of Child Marriage Act in Crime No.22 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that the accused 1 and 2 who are parents of the boy and the petitioners 2 and 4 who are parents of the victim minor girl have performed child marriage between them and pursuant to which, son of the petitioners 1 and 2 had committed penetrative sexual assault on the victim who is the daughter of the petitioners 3 and 4. The complaint has been registered based on the information given by the child welfare officer.

3. The learned counsel for the petitioners would submit that the petitioners are close relatives. They have performed betrothal ceremony between son of the first and second petitioners and the daughter of the third and fourth petitioners and other than that they have not done any thing. He would submit that on the information given by some people who were antagonized against them the case has been registered. He also submit that



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the 1st and 2nd petitioners' son was arrested and remanded to judicial custody and later enlarged on bail. He would submit that the the petitioners hail from a poor back ground and that they have without understanding the consequences had arranged betrothal function to their children. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the first accused is the son of the first and second petitioners and the victim is the daughter of the third and fourth petitioners, they have performed child marriage between the first accused and the victim girl. Subsequently, the first accused had committed sexual assault on her. He would submit that the victim girl had admitted the marriage , however, she has stated that she has been living with her relatives. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the submissions made by both counsel and perused the materials available on record including the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and the submissions made by



the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

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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, Tiruppur* on condition that each of the petitioners shall execute separate bonds 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 every day at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either



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during investigation or trial.

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[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]**.

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

10.11.2022

Vv



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