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CrI.O.P.No.25273 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 Section 9 of Child Marriage Act, and Sections 5(l), 5(j)(ii) read with 6 of POCSO Act in Crime No.39 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the member of the Child Welfare Committee is that the accused had kidnapped the victim girl, performed child marriage and committed penetrative sexual assault on her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act, had fell in love with the victim minor girl. He would further submit that the petitioner is aged about 26 years and both the



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petitioner and the victim girl are close relatives. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the maternal uncle of the victim girl. He would further submit that in the statement recorded under Section 164 of Cr.P.C., the victim girl has stated that the marriage was performed only on her consent. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the **Addl Mahila Court, Perambalur**, 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:

[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 everyday at 10.30 a.m., until further orders.

[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.



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[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.

03.11.2022

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