



Crl.O.P.No.25930 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, 10, 11 of Prohibition of Child Marriage Act 2006 in Crime No.26 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that 1st & 2nd petitioners who are the parents of the bride-groom and 3rd & 4th petitioners who are parents of the bride have performed child marriage on 07.09.2022 between the son of the 1st & 2nd petitioners and the minor daughter of the 3rd & 4th petitioners at Egapuram Eswaran Koil. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are the close relatives and other than performing betrothal of the 1st & 2nd petitioners' son with the daughter of the 3rd & 4th petitioners, they have not performed any other ceremony. He would further submit that case was registered based on the complaint given by the District Social Welfare Officer and the victim was enquired by the learned



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Judicial Magistrate – II, Sankari under Section 164 Cr.P.C and the statement of the victim has been recorded, wherein the victim has stated that after the alleged marriage they were separated and they have not lived as husband and wife and there was no sexual assault. He would further submit that it was only a betrothal which was performed as a part of communal practices. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the 1st & 2nd petitioners are parents of the boy and 3rd & 4th petitioners are parents of the minor girl. The boy was aged 21 years and the victim girl was aged 16 years and they have performed child marriage. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. 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 Judicial Magistrate – II at Sankari**, on condition that each of 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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of 2 weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



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[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]**.

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

26.10.2022

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