



Crl.O.P.No.26637 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 Sections 9, 10 & 11 of Prohibition of Child Marriage Act, 2006 in Crime No.26 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the District Social Welfare Officer is that the accused had performed child marriage between the petitioner and the minor victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and that the petitioner and the victim girl's family are relatives. The victim girl is aged about 16 years. Now both the families had performed the betrothal of the petitioner and the victim girl and other than that, nothing had happened. Whereas, on the complaint given by the person antagonised with their family a case has been registered. He would further submit that the victim girl was also



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taken to the Court and a statement was also recorded from her under Section 164 of Cr.P.C., wherein she has not made any allegations as if she was sexually assaulted. 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 accused had performed child marriage between the petitioner and the minor victim girl. Hence, 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 **learned Judicial Magistrate – II at Sankari**, 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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