



WEB COPY



Crl.O.P.No.26914 of 2022

Crl.O.P.No.26914 of 2022

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 of Protection of Child Marriage Act 2006, 5(l), 5(j) (ii) read with 6 of POCSO Act 2012 in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the main accused had kidnapped the minor victim girl aged 17 years and thereafter performed child marriage and later 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 she has been falsely implicated in this case. The petitioner is the step-mother of A1 in this case and the allegation as against the petitioner is that she along with the father of A1



Crl.O.P.No.26914 of 2022

is said to have performed the marriage between the A1 and the victim girl. He would further submit that the victim girl is now secured and the A1 was also arrested. 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 step-mother of A1. The petitioner and her husband conducted the child marriage for their son/A1 with the minor victim girl and thereafter, A1 had committed penetrative sexual assault on the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and submissions, 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 her appearance, within a period of fifteen days



Crl.O.P.No.26914 of 2022

WEB COPY

from the date on which the order copy made ready, before the **Fast Track Mahila Court, Dharmapuri**, 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. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



WEB COPY



Crl.O.P.No.26914 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

[d] the petitioner 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 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.

04.11.2022

mpl

Crl.O.P.No.26914 of 2022