



Crl.OP.No.27276 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(l), 6 of Protection of Children from Sexual Offences Act, 2012 r/w 9, 10 of Prohibition of Child Marriage Act, 2006 in Crime No.6 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the minor victim girl is that she was born on 11.05.2006 and when she was young, her mother and father were got separated and thereafter she was taken by her mother and the further allegation is that her mother had performed child marriage with one Madhan Kumar at Vinayagar Koil at Bhavanisagar. Subsequently, the said Kumar had committed sexual intercourse on her. Hence, the case.

3. The learned counsel for the petitioner would submit that the the petitioner is the mother of the victim girl, her husband had deserted her when she was young and she had with great difficulty brought up her daughter. The petitioner had taking into consideration the future of the victim girl without understanding the consequences and rigors of Child MarriageAct and POCSO Act she had performed child marriage of her daughter with A1 and they were living happily. Later, due to some matrimonial dispute, the



daughter had given a complaint as if she was compelled to marry Madhan Kumar. He would further submit that now the matter has been compromised. The victim girl is also now presently with the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the mother of the victim girl she had performed child marriage of her daughter with Madhan Kumar/A1. He would also submit that A1 has been arrested and remanded to judicial custody and later enlarged on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the submissions made by both counsel and perused the materials available on record including 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.

7. 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 from the date on which the order copy made ready, before the *learned Sessions*



Magalir Neethimandram(Fast Track Mahila Court) Erode 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 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 every day at 10.30 a.m for a period of two weeks and thereafter 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.

[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



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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.

10.11.2022

Vv

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