



Crl.OP.No.27489 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 Section 10 of the Prohibition of Child Marriage Act, 2006 in Crime No.26 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the Social Welfare Officer is that on 30.07.2022, she has received a complaint from the minor girl that her date of birth is 18.03.2006 and she studied 8th standard and her mother had representing that she has completed 20 years had given her in marriage to one Manikandan. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and the mother of the victim girl stating that her daughter has attained majority and she was 20 years, had performed marriage between the petitioner and her daughter. Later the petitioner had taken the victim to his house and the victim has informed that she had not attained majority. Thereby, the petitioner had sent the victim back to her house. The petitioner had not committed any sexual assault on the victim girl and on coming to know that she was a minor girl, immediately, he sent her back to her parents house. He further submits that during the investigation,



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the victim girl has given a statement under Section 164 Cr.P.C before the learned Judicial Magistrate, wherein she has stated that the marriage was performed only on the misrepresentation of her mother and that there was no sexual assault in this case and the petitioner is innocent. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the mother of the victim girl misrepresenting that her daughter had attained 20 years had given her daughter in marriage to the petitioner. Further, during statement recorded from the victim girl under Section 164 of Cr.P.C not made any allegations of sexual assault . However, 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 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



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event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate-I, Udumalpet*** 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 every day at 10.30 a.m for a period of one week and thereafter as and when required for interrogation.

[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



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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.

10.11.2022

Vv

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