



Crl.OP.No.28504 of 2022

Crl.O.P.No.28504 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 363, 366, 376(1), 376(2)(n) IPC and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 altered into Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.8 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that a complaint in Crime No.8 of 2021 came to be registered for the offence under Sections 363, 366, 376(1), 376(2)(n) IPC and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012, given by one Ravi that one Jayakumar had threatened his daughter and had sexual intercourse with her. Due to which, his minor daughter became pregnant. During the course of the investigation, it came to light that the defacto complainant coming to know of the pregnancy of his daughter had given her daughter in marriage to his close relative one Logesh and thereafter, the case has been altered to Section 9 of Prohibition of Child Marriage Act, 2006. Hence,



Crl.OP.No.28504 of 2022

the case.

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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have become victim of circumstances. He would submit that one Jayakumar had ravished the daughter of the fourth petitioner and that to save the honour of the family, the fourth petitioner had performed marriage to his daughter with the first petitioner on 13.06.2021, suppressing the pregnancy of her minor daughter and within two days, the first petitioner and his family members came to know about the pregnancy of the daughter of the fourth petitioner and thereby, the victim was sent back to fourth petitioner's house. Later, on enquiry, the victim disclosed that she was ravished by one Jayakumar and that he had subjected her to sexual assault. Meanwhile, the said Jayakumar was arrested and enlarged on bail. Later, he died in a road accident. Subsequently, the respondent police coming to know about the marriage performed to the minor victim girl, had implicated the petitioners as accused in this case. He would further submit that the petitioners are rustic villagers, without understanding the



Crl.OP.No.28504 of 2022

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consequences and rigours of Prohibition of Child Marriage Act, had performed the marriage. Further the father of the victim had also suppressed the pregnancy of the victim. Thereby, he prays to grant anticipatory bail to the petitioners.

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that P1 is the husband of the victim girl and P2 and P3 are the parents of P1 and the fourth petitioner is the father of the victim girl. It is alleged that one Jayakumar had committed penetrative sexual assault on the victim. Due to which, she had become pregnant. Suppressing the same, marriage was performed to the victim by her father. Later, the bride groom side came to know that the victim was pregnant and sent her back to her house. However, as per the prosecution, there is no allegation against the first petitioner. He would further submit that a statement has also been recorded from the victim girl under Section 164 Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioners.



Crl.OP.No.28504 of 2022

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5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record, including the statement under Section 164 Cr.P.C.

6. Taking into consideration the facts and the submissions and the statement recorded from the victim girl under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

7. Accordingly, the petitioners are ordered to be released on bail in the 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 Mahila Court, Tiruvallur on condition that 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



Crl.OP.No.28504 of 2022

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 daily 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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

29.11.2022

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Crl.OP.No.28504 of 2022

Crl.O.P.No.28504 of 2022

29.11.2022