



Crl.O.P.No.29127 of 2022

Crl.O.P.No.29127 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC @ Section 366, 468 and 471 of IPC read with Section 9 of Child Marriage Act 2006 in Crime No.53 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Padhmavathi is that on 13.12.2018, her minor daughter was found missing and on enquiry it was found that one Vijay @ Palanisamy had kidnapped her. Based on the complaint, a case in Crime No.53 of 2018 has been registered for the offences under Section 366 of IPC. During the course of the investigation it was found that the said Vijay had kidnapped the minor girl and based on the fabricated documents performed the child marriage. 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 the



CrI.O.P.No.29127 of 2022

case since she happens to be the aunt of the said Vijay. The said Vijay had brought the XXX girl and informed the petitioner that she is a major and he is marrying the girl. Believing the said Vijay, the petitioner stood as a witness to the marriage and signed all the marriage documents. Later, it was found that the said Vijay and the victim girl had performed the marriage without the knowledge of their parents with the fabricated documents. He would submit that the said Vijay has been arrested and released on bail and the petitioner is now being searched for since she had attested the marriage certificate. He would further submit that the petitioner understands that a statement has been recorded from the victim girl wherein she has not made any allegations against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the material available on record including the 164 statement of the victim girl. Taking into



Crl.O.P.No.29127 of 2022

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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Additional Mahila Court, Erode**, 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.



WEB COPY



CrI.O.P.No.29127 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one week 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 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.

28.11.2022

mpl

CrI.O.P.No.29127 of 2022