



Crl.O.P.No.29163 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC, Sections 5(l), 5(j)(ii), 6, 21(1) of POCSO Act 2012 and Section 9 of PCM act 2006, in Crime No.10 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Sumathi, Social Welfare Officer, Paramathi, Namakkal is that the accused had kidnapped the minor victim girl aged about 16 years on 19.11.2020 and had performed child marriage with her on 20.11.2020 and had also committed penetrative sexual assault on her, due to which, she became pregnant. On information, the complaint was registered. Hence, the case.

3. The learned counsel for the petitioners would submit that the 1st and 2nd petitioners are parents of A1 and 3rd petitioner is the mother of the minor victim girl. The petitioners understanding that there was love



Crl.O.P.No.29163 of 2022

affair between the 1st petitioner's son and the 3rd petitioner's daughter had performed the marriage and that they have also exceeded their limits in order to protect their interest, without understanding the rigours and consequences of POCSO Act. He would further submit that A1 in this case has been arrested and enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the 1st and 2nd petitioners are parents of A1 and 3rd petitioner is the mother of the minor victim girl and they had performed the marriage of the A1 with the minor victim girl. Due to which, the victim girl became pregnant and delivered a boy baby, hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Perused the materials available on record including the statement of the victim girl recorded under Section 164 of Cr.P.C. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail



to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Sessions (Fast Track) Mahila Court, Namakkal**, on condition that each of 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 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.



CrI.O.P.No.29163 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

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

28.11.2022

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CrI.O.P.No.29163 of 2022