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Crl.O.P.No.30604 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offences punishable under Sections 5(1), 5(n) & 6 of POCSO Act and Sections 10 & 9 of Child Marriage Act, 2006 in Crime No.38 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners/A4 & A5 who are the parents of the victim girl namely R.Rithika along with A2 & A3 conducted marriage of their minor daughter with the 1st accused one Saravanan. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioners who are the parents of the victim girl jointly together with A3 & A5 conducted marriage of their minor daughter with the first accused. Hence, he vehemently opposed for



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grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 learned Judicial Magistrate, Additional Mahila Court, Erode on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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.

[b] the petitioners are directed to report before the respondent police **as and when required for**



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[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.

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