

Crl.O.P.No.31853 of 2022**T.V.THAMILSELVI, J.**

The petitioners who apprehend arrest for the alleged offence under Sections 9 and 10 of the Prohibition of Child Marriage Act 2006 & Sessions 5 (1), 6 (1), 16 and 17 of the POCSO Act and Sections 363, 366, 366(A) of the IPC in FIR No.152 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A3 and A4 are sister and mother of the A1. A3 and A4 were the cause of the clandestine marriage between A1 and the victim girl. Hence, the law enforcing registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that petitioners have not committed any offence as alleged by the prosecution. He further submits that A1 and A2 have been granted bail by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the respondent submits that the petitioners are acted as instruments and supported the marriage between A1 and the victim girl. He further submits that the victim girl has been secured. Hence, he opposed to grant anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case and also submissions made by the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent, that A1 and A2 have been released on bail and the victim girl has been secured. Hence, 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 of receipt of a copy of this order, before the learned ***Fast Track Mahila Court, Dharmapuri***, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 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 Court concerned 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 as and when required for interrogation;



(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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(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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.12.2022

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To
The Fast Track Mahila Court,
Dharamapuri.

T.V.THAMILSELVI, J.

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