

Crl.O.P.No.31984 of 2022**T.V.THAMILSELVI, J.**

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The petitioners who apprehend arrest for the alleged offence under Sections 366, 372(2)(A) of IPC and Section 5 (1); 5(ii), r/w. 6 (i) of Protection of Child from Sexual Offences Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act 2006 in Cr.No.16 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that petitioners are arrayed as A1 to A3. A1 is the husband of the minor girl, A2 and A3 are in-laws of the minor girl. When the minor girl came to the Hospital to regular check up regarding for her pregnancy, the Government Hospital Doctor noticed and informed to the Respondent Police. Hence, the case.

3.The learned counsel appearing for the petitioners submit that the petitioners and the family members of the minor girl are close relatives, the first petitioner married the minor girl with the consent of both the families as arranged marriage. When minor girl approached the Hospital for her regular check regarding pregnancy, at that time, the Hospital Authorities found that she was a minor and lodged the complainant before the



Respondent Police. Based on the complaint, petitioners were implicated as accused in this case. However, the petitioners and the minor girl are living happily. The learned counsel appearing for the petitioners further submitted that they are also ready to file an affidavit before the trial Court to take care of the child as well as the victim girl in future. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) appearing for the respondent submits that the investigation is almost completed. He further submits that the statement has been also recorded from the victim girl under Section 164 Cr.P.C.

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 the statement under Section 164 Cr.P.C has been recorded from the minor girl and the investigation is completed. 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 *Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai*, 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 on every Saturday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

(c) the petitioners shall file an affidavit of undertaking before the trial court stating that they will take care of the victim girl as well as the child.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g)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 Special Court for Exclusive Trial of Cases under POCSO Act,
Thiruvannamalai.



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