

Crl.O.P.No.32099 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and under Section 5(1) and 6 of Protection of Children from Sexual offences Act 2012 in Cr.No.200 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a sister of the victim girl had performed the child marriage of the victim minor girl with A1 and thereafter A1 had committed penetrative sexual assault on the victim girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in this case. He further submits that this Court had already granted bail to the co-accused in Crl.O.P.No.24830 of 2022 dated 14.10.2022 with certain conditions. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent submits that parents of the petitioner and the A1 are close relatives. The parents of the petitioner performed the child marriage, pursuant to which, A1 had committed sexual assault. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, the co-accused are released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode** on condition that the petitioner shall execute a 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation;

(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 anticipatory 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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T.V.THAMILSELVI, J.

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To
Sessions, Magalir Neethi Mandram,
(Fast Track Mahila Court),
Erode

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