



Crl.O.P.No.1113 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 9 of the Prohibition of Child Marriage Act, Sections 5(l), 5(j)(ii) read with Section 6 of the POCSO Act, 2012, in Crime No.23 of 2022, seeks anticipatory bail.

2. The case of prosecution is that on 12.06.2022 the parents of the petitioner and the minor victim girl performed child marriage for the petitioner with the victim minor girl and thereafter in the matrimonial home, the girl got conceived. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that on 12.06.2022 the parents of the petitioner and the victim minor girl performed child marriage for the petitioner with the victim minor girl and the girl got conceived. Hence, he vehemently 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, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Mahila Court, Tiruppur** 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



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learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 station every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

(c) the petitioner shall file an undertaking affidavit that he will take care of his wife and child before the concerned Magistrate.

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial



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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;

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