



Crl.O.P.No.1605 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006, in Crime No.33 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Based on the complaint given by one A.Muthu, Extension Officer, Social Welfare Department, that on receiving a information about the child marriage, he went to the scene of occurrence, wherein, he confirmed that the accused have planned to perform marriage to a minor girl, aged about 17 years, a case in Crime No.33 of 2022, was registered for the offence under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006.

3. Learned counsel appearing for the petitioners submitted that the second and third petitioner are the parents of the victim girl and the first petitioner is the close relative. He also submitted that the petitioners, without understanding the consequences and rigours of the Prohibition of Child



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Marriage Act, 2006, had planned to perform marriage for the minor victim girl. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the second and third petitioners, who are the parents of victim girl, along with the other accused have planned to perform marriage for a minor victim girl with the first petitioner. He further submitted that the statement has also been recorded from the victim girl under 164 Cr.P.C. He also stated that the investigation is almost completed, however, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the statement recorded from the victim girl under 164 Cr.P.C.



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6. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Thiruvottiyur***, on condition that the petitioners 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 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;



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[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;

[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 has been imposed and the petitioners is 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;

22.02.2023

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