



Crl.O.P.No.2164 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child and Marriage Act, 2006 and the same were altered to Sections 9, 10, and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l) and 5(m) read with Section 6 of the POCSO Act in Crime No.30 of 2023, seek anticipatory bail.

2. The case of prosecution is that the petitioners 2 to 8 who were the relatives of the 1st petitioner have performed child marriage to the 1st petitioner with the victim minor girl on 16.07.2021. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) submits that the petitioners 2 to 8 who were the relatives of the 1st petitioner have performed child marriage to the 1st petitioner with the victim minor girl on 16.07.2021. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, 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 before the learned **Judicial Magistrate Court, Palacode, Dharmapuri District** on condition that each of 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, failing which, the petition for anticipatory bail shall stand dismissed and on

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further condition that:

[a] the petitioners 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 Nos.2 to 8 are directed to report before the respondent police as and when required for interrogation and the 1st petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation;

[c] the first petitioner is directed to file an undertaking affidavit that he will take care of the victim minor girl before the concerned Magistrate.

[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

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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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.02.2023

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