



CrI.O.P.No.3407 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 363 & 366 of IPC, Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1), 5(j)(ii), (n) r/w. Section 6(i) of the Protection of Child from Sexual Offences Act, 2012 in Cr.No.7 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein married a minor girl aged about 17 years. When the petitioner along with the victim girl, who is none other than the petitioner's wife visited the nearby hospital for delivering their baby, a case has been registered against the petitioner by the respondent police, as the petitioner's wife is only 17 years old.

3. Learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the victim girl has now given birth to a boy baby and she has also completed 17 years and has attained majority. Hence, he prays to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (CrI. side) submits that the victim girl got married to the petitioner when she was a minor and on 07.01.2023, the victim girl gave birth to a child and she has now completed 17 years. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the investigation is completed and the victim girl has now completed the age of 17 years and has also given birth to a child, this Court is inclined to grant anticipatory bail to the petitioner .

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Hon'ble Mahila Court, Dharmapuri**, 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, failing which, the petition for anticipatory bail shall stand



dismissed and on further condition that:

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(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 further investigation;

(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.



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