



Crl.O.P.No.5542 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(1) r/w Section 6 of POSCO Act, 2012 and Sections 9,10,11 of Child Marriage Act, 2006 in Crime No.5 of 2021, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, Rani, Village Welfare Officer, Social Welfare Committee Office, Anaimalai, Pollachi is that the accused had performed the child marriage between A1 and the minor daughter of A2/Iyyanar. Thereafter, A1 had committed penetrative sexual assault on the victim girl. Hence the case.

3.The learned counsel appearing for the petitioners would submit that these petitioners are relatives of A2/Iyyanar and they have been falsely roped in this case. He would further submit that earlier these petitioners have already approached this Court in Crl.O.P.No.9235 of



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2021 and this Court had granted Anticipatory Bail to the petitioners vide order dated 13.05.2021. However, due to poverty, the petitioners are unable to execute the bond and the earlier anticipatory bail granted to them got lapsed. Hence the petitioners have filed the present petition.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that earlier this Court had granted anticipatory bail to the petitioners in Crl.O.P.No.9235 of 2021 vide order dated 13.05.2021. He would further submit that investigation has been completed and final report has been filed in Special C.C.No.220 of 2022, POSCO Court, Coimbatore and the case stands posted to 13.03.2023 for appearance of the accused. Therefore, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5.Taking into consideration the submissions of the learned Counsel for the parties and also the fact that investigation has been completed and final report has been filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are 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 **learned Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

[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 petitioners shall report before the Trial Court on all working days at 10.30 a.m., for**



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a period of two weeks and thereafter on the date fixed by the Trial Court.

[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 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]**;

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

09.03.2023

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Note: The Registry is directed to issue order copy on 10.03.2023



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