



Crl.O.P.No.6740 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(I), 5(j)(ii) and 5(n) read with Section 6 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.18 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution came to be registered on the complaint given by one Barathi, Development Officer, Vridhachalam. As per the complaint, she had received the statement of the minor victim aged about 15 years who had informed that she had love affair with one Veeramanikandan and the victim had without knowledge of her parents had married the accused and was living alone and during such time, she got pregnant and later the parents of the victim had performed the marriage between them and later the victim had delivered the child. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she is the mother of the victim girl. A1 had eloped



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with the daughter of the petitioner and they got married, later the victim also become pregnant. The petitioner and the parents of the accused without understanding the consequences have performed the child marriage of the victim to protect her future and now the victim has also delivered a child and the petitioner is also taking care of the victim as well as the child. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is the mother of the victim girl and the first accused had kidnapped the victim child and married her and she become pregnant and later both their parents have performed child marriage. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel on either sides and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case



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and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court under the POCSO Act, Cuddalore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 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 everyday at 10.30 a.m, for a period of



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one week and thereafter on every Saturday at 10.30 a.m,
for a period of four weeks and thereafter as and when
required for interrogation;

[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 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;

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