



Crl.O.P.No.6776 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 alleged offences punishable under Sections 5(1), 6(1), 16, 17 of POCSO Act, 2012 r/w Sections 9, 11 of Prohibition of Child Marriage Act, 2006 in Crime No.01 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner A1 had kidnapped the victim girl and committed sexual assault on her and later the petitioners herein who are the parents and relatives of the victim girl coming to know of the same, had performed the child marriage between them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first accused had kidnapped the minor daughter and committed penetrative sexual assault and to save the honour of the family, the petitioners without



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understanding the rigours of the Child Marriage Act and POCSO Act, have performed the child marriage between the first accused and the victim girl.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the first accused kidnapped the minor daughter and committed penetrative sexual assault and the petitioners herein who are the parents and relatives of the victim girl have performed the child marriage between them and thereby he opposed for grant of anticipatory bail to the petitioners.

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



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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 days from the date on which the order copy made ready, before the learned Fast Track Mahila Court, Dharmapuri District, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

[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 respondent police everyday at 10.30 a.m, until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[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;

30.03.2023

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