



CrI.OP.No.8806 of 2023

S.SOUNTHAR, J

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 @ Sections 9 and 10 of Prohibition of Child Marriage Act, 2006; Sections 5(1) r/w 6 of POCSO Act, 2012 in Crime No.13 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Tmt.S.Mallika, Women Village Welfare Officer lodged a complaint with the respondent police on 31.03.2023 alleging that the victim girl's husband, who is the first accused, abused her with filthy words in a drunken mode every day. Based on the complaint CSR was registered assigned as CSR.No.122 of 2023 dated 23.03.2023. When the victim was enquired, she disclosed that her age was only 17 and she got married to the 4th petitioner's son Vedyappan, the first accused on 26.11.2020 at Kollappatti Perumal Temple with the consent of both families and thereafter they had coitus with her.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offence as



alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that totally, there are five accused involved in this case, in which, A1 is husband, petitioners 2 and 3/ A2 and A3 are parents of the victim girl and petitioners 4 and 5/ A4 and A5 are parents of A1. He would further submit that the victims family and petitioners family are close relatives. Further, the victim is the daughter of first accused paternal's aunt . He also submit that 164 statement of the victim girl under Section 164 of Cr.P.C has been recorded. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side).

6. A perusal of 164 statement of the victim girl reveals that it is a case of love affair. Both the victim girl's family and the petitioners' family are close relatives. With the consent of both family, they performed marriage



between the first accused and the victim girl. It further reveals that the first accused who is the victim girl's husband abused her with filthy words in a drunken mode.

6. Having regard to the allegations made against the petitioners in the FIR and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail with certain conditions.

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* on condition that each of the petitioners shall execute separate bonds 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 every day at 10.30 a.m., for a period of four weeks ;

[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 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.

04.05.2023

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