



Crl.O.P.No.11191 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 9, 10, 11 of Child Marriage Act r/w Section 5(1), 5(j)(ii) and 6 of POCSO Act 2012 in Crime No.25 of 2022, seek anticipatory bail.

2. On intimation from the RSRM Hospital, Chennai is that a minor girl was admitted for delivery. The respondent police have obtained a statement and based on which, a case came to be registered in Cr.No.25 of 2022 for the offences under Sections Sections 9, 10, 11 of Child Marriage Act r/w Section 5(1), 5(j)(ii), 6 of POCSO Act 2012.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and that a false compliant has been given. He would further submit that the petitioners and the victims family were living close by and during such time, there was a love affair between the first petitioner and the victim girl and the family members had arranged for the marriage and the marriage was performed. Later, the accused



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came to know that the victim was a minor and that the child marriage was performed. Based on which, the case came to be registered. He would submit that the petitioners and the parents of the victim girl are hailing from the lower status of the society and they are not aware of the rigors of POCSO Act and the Child Marriage Prohibition Act. He would further submit that now the victim has attained majority and that the parents of both the victim and the first accused are taking steps to arrange the marriage between them. He would further submit that the victim also delivered a girl child named Dakshitha and she is 8 months old. He would further submit that at this stage, the petitioners are arrested and remanded to custody and it will be detrimental to the victim as well as the accused. Thereby, he would seek anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the parents of the victim girl are added as A4 and A5 and they are from the lower status of the society and they have arranged child marriage between the victim and the first petitioner and she has also delivered a girl child. Hence, he would vehemently oppose to grant anticipatory bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

Today, the victim is present before this Court and she would submit that with her concurrence only, the marriage was performed and out of the said wedlock, she delivered a child.

6. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties, this Court is inclined to grant anticipatory bail to the petitioners 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 **Mahila Court, Thiruvallur** on condition that each of the petitioners shall execute separate bonds 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 respondent police everyday at 10:30 a.m for a period of two weeks and thereafter the first petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

[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



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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;

12.06.2023

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