



Crl.O.P.No.9021 of 2023

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S.SOUNTHAR, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 9 of the Prohibition of Child Marriage Act, in Crime No.149 of 2023, seeks anticipatory bail.

2. Based on the complaint given by the Extension Officer, Valapady Union, a case in Crime No.149 of 2023 has been registered against the petitioner for marrying a minor girl. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl were in love and that the accused has married her in a temple. He further submitted that the marriage was resisted by the victim's mother. Hence, he seeks for grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner is said to have married the victim girl who is aged about 17 years and also the statement recorded under



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Section 164 Cr.P.C., before the Magistrate. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record including the First Information Report.

6. Having regard to the allegations made against the petitioner in the FIR, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Vazhapadi**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to



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arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 every day at 10.30 a.m., until further orders.

[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]**.



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

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04.05.2023

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