



Crl.OP.No.10911 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under 376 (2) (n) of IPC r/w Section 9 of Protection of Child Marriage Act r/w. Section 5(1), 5(j) (ii), 6(1) of Protection of Children from Sexual Offence Act, 2012, in Crime No.04 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the victim girl, aged about 16 years and one Anbarasan [A1] were relatives and they loved each other. On 04.04.2022, the above said Anbarasan and the victim girl got married without the consent of both the family members and living separately. The victim girl became pregnant and had went to the Government Hospital at Thiruvannamalai. The officials belonging to the Government Hospital informed the same to the respondent police, since she is a minor. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel further submitted that the accused persons are the parents of the victim girl and Accused No.1 and they are no way connected with this offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that A1 was arrested and released on bail. The learned counsel submitted that there is no previous case pending against these petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the fact that A1, who is the main accused in this case, has already been released on bail,



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this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Judicial Magistrate, Polur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 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 shall obtain a copy of their Aadhar card or Bank



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pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper the 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 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.

17.05.2023

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