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Crl.O.P.No.11559 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 Sections **323 of IPC r/w Section 11 of Child Marriage Act later altered into Section 366, 323 of IPC r/w Sections 9 & 11 of Child Marriage Act in Crime No.9 of 2023**, seek anticipatory bail.

2. The case of the prosecution is that the victim minor girl is aged 15 year old and the petitioners along with some other accused persons conducted marriage to the defacto complainant's daughter with one Govindaraj. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Further, he submitted that A1, A3 and A5 had already been released on bail. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) also submitted that would submit A1, A3 and A5 had already been released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that A1, A3 and A5 has already been released on bail, 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, Harur, Dharmapuri District** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, one among the surety shall be a blood relative of the accused, 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:



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[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 appear 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 down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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