



Crl.O.P.No.11530 of 2023

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K.KUMARESH BABU, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 altered into Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, Sections 5(l) 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 petitioner married a girl aged 17 years. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the marriage between the petitioner and the victim girl happened two years before and the present complaint has been given after two years of occurrence. He further submitted that marriage was conducted with consent of both the family members. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate(crl.side) would submit that the defacto complainant is a Women Village Welfare Officer, who came to know about the child marriage when the victim lodged complaint stating that her husband / petitioner every day abused her after drinking alcohol.



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5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Fast Track Mahila Court, Dharmapuri 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 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 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 as and when required for interrogation.



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[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]**.

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

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