



Crl.O.P.No.14397 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and under Section 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.200 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sister of the victim girl had performed the child marriage of the victim girl and with A1. Thereafter, A1 had committed penetrative sexual assault on the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner other than being the sister of A1 has nothing to do with the alleged offence and a false complaint has been given. He would submit that earlier, the petitioner has been granted anticipatory bail by this Court in Crl.O.P.No.32099 of 2022 with certain



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conditions, however the petitioner could not execute the sureties by the stipulated time. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is a sister of the victim girl had performed the child marriage of the victim girl and with A1. Thereafter, A1 had committed penetrative sexual assault on the victim girl. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 Sessions, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode 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 appear before the respondent police as and when required for interrogation.

[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.



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[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.

28.06.2023

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