



Crl.O.P.No.13427 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 9 and 11 of Child Marriage Act, 2006 in Crime No.12 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, 1st petitioner and victim girl got married on 12.05.2023. Due to a love affair between the 1st petitioner and victim girl, parents of 1st petitioner and victim girl got them married. Petitioners are innocent. Apprehending arrest at the hands of the respondent police, petitioners filed this petition.

3. Learned Government Advocate (Criminal side) opposes this petition, on the ground that, parents of the 1st petitioner and victim girl conducted marriage between the 1st petitioner and the victim girl, who was aged only 16 years on 12.05.2023. Statement under Section 164 Cr.P.C of the victim girl shows that, despite her resistance to the marriage and willingness to continue her studies, she was forced to get



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married. He further submitted that, victim girl refused to give consent for medical examination. Therefore, he prays for dismissal of this petition.

4. Considering the nature of the allegations made against the petitioners, and this is a case of forcible child marriage and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioners is not necessary and the petitioners are 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 Judicial Magistrate, Harur**, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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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 report before the respondent police everyday 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].



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[f] If the accused thereafter absconds, a fresh

FIR can be registered under Section 229A IPC.

12.07.2023

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