



Crl.O.P.No.13381 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 11 of the Prohibition of Child Marriage Act , 2006 and Section 5(I), 5(j)(ii), r/w 6(1) of Protection of Child from Sexual Offences Act, 2012 in Crime No.78 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Amalorpavamary, female Village Welfare Officer is that a marriage had performed between the 1st accused and the victim girl, who aged about 15 years and due to which, the victim girl got pregnant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are villagers and that there was a love affair between the son of the 1st petitioner and daughter of the 2nd petitioner, who is the victim herein and since they have gone into physical relationship, the



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daughter of the 2nd petitioner got pregnant and the petitioners without understanding the consequences, in order to solve the dispute, performed the marriage. He would reiterate that the petitioners being Villagers were not aware of the consequences of the POCSO Act and the Child Marriage Prohibition Act. He would further submit that the 1st accused has been arrested and the Victim is also now five months pregnant and she has been taken care of by the 1st and 2nd petitioners only.

4.The learned Government Advocate would submit that there is a love affair between the son of the 1st petitioner and daughter of the 2nd petitioner and since the victim became pregnant, the petitioners have performed child marriage between them.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record.



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6. Considering the above fact and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Fast Track Mahila Court, Dharmapuri**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall stay at Dharmapuri and



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report before the Kadathur Police Station everyday at 10.30 a.m. for a period of two weeks thereafter, on every Saturday at 10.30 a.m. unxtil 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 absconds, a fresh FIR can be registered under Section 229A IPC.

20.06.2023

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