



Crl.O.P.No.14294 of 2023

Crl.O.P.No.14294 of 2023

G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Section 6 read with 5(l), 5(j)(ii) of POCSO Act 2012 & Section 9 of Prohibition of Child Marriage Act in Crime No.09 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner and the victim girl are relatives. At the time of marriage, petitioner was not aware of the fact that victim girl has not completed 18 years. Apprehending arrest in Crime No.09 of 2023 registered for the offences under Section 6 read with 5(l), 5(j)(ii) of POCSO Act 2012 & Section 9 of Prohibition of Child Marriage Act, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Crl.side) submitted that *de-facto* complainant is the mother of the victim girl. Her daughter and petitioner were in love with each other and on 13.01.2023, petitioner had forcible sexual intercourse with her



CrI.O.P.No.14294 of 2023

daughter. Subsequently, she came to know that petitioner and her daughter got married at Kattukoil Ayyanar Temple. Now, she understands that her daughter is four months pregnant. Further, 164 Cr.P.C. statement of the victim girl was recorded.

4. Reading of the 164 Cr.P.C. statement shows that victim girl was in love with the petitioner for the past one year. On 13.01.2023, petitioner had sexual relationship with her, with her consent. Victim girl compelled the petitioner to marry her and therefore, they got married at Kattukoil Ayyanar Temple. She got conceived and when she visited the Government hospital for treatment, the Child Welfare Officer, Nagapattinam had informed about her pregnancy to the *de-facto* complainant. On the complaint given by the *de-facto* complainant, this case came to be registered.

5. Considering the nature of the allegations made in FIR, statement given by the victim girl under Section 164 Cr.P.C., this court is of the view that custodial interrogation of the petitioner is not necessary. Petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



CrI.O.P.No.14294 of 2023

WEB COPY

from the date on which the order copy made ready, before **the learned Judicial Magistrate Court-II, at Nagapattinam**, on condition that the petitioner 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 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 everyday at 10.00 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



WEB COPY



Crl.O.P.No.14294 of 2023

G.CHANDRASEKHARAN, J.

mpl

[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.

27.07.2023

mpl

Crl.O.P.No.14294 of 2023