



Crl.O.P.No.14556 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5(1), 5(j)(ii) r/w 6 (1) of POCSO Act 2012 r/w Section 9, 11 of Prohibition of Child Marriage Act, 2006, in Crime No.11 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners are accused in Crime No.11 of 2023, registered for the offences under Sections 5(1), 5(j)(ii) r/w 6 (1) of POCSO Act 2012 r/w Section 9, 11 of Prohibition of Child Marriage Act, 2006. He further submitted that the accused without any knowledge about the POCSO Act, 2012 and Prohibition of Child Marriage Act, 2006, got the first petitioner married to the victim girl. There was no sexual assault or sexual harassment committed by the first petitioner against the victim girl as defined under the POCSO Act and prayed for anticipatory bail for the petitioners.



Crl.O.P.No.14556 of 2023

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3. In response, the learned Government Advocate (Crl.Side) submitted that the victim girl was aged about 17 years and first petitioner was 29 years. The other accused got the victim girl married to the first petitioner and as a result, the victim girl got pregnant. When she went for check up at the Government hospital, Dharmapuri, she was found pregnant. As she was minor, complaint was lodged and FIR came to be registered.

4.Considering the nature of the offences and the circumstances under which the first petitioner married the victim girl with the help of the other accused, this Court is of the view that custodial interrogation is not necessary in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioners and petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Fast Track Mahila Court, Dharmapuri**, on condition that petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** each for a like sum to



Crl.O.P.No.14556 of 2023

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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 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



Crl.O.P.No.14556 of 2023

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.

03.07.2023

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Crl.O.P.No.14556 of 2023

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Crl.O.P.No.14556 of 2023

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