



Crl.OP.No.14926 of 2023

Dr.G. JAYACHANDRAN, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9, 10, 11 of Child Marriage Act & Sections 5(l), 5(j) (ii) read with 6 of POCSO Act in Crime No.10 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The petitioners are apprehending arrest at the hands of the respondent police for solemnizing child marriage.

3. The learned Government Advocate (Crl.side) states that the marriage between Dinesh (A1) with Dhana Priya has already been solemnized and now, Dhana Priya is five months pregnant. It is also stated that at the time of marriage Dhana Priya was aged about 17 years but below 18 years.

4. Considering the said facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the ***Fast Track Mahila Court, Salem***, on condition that each of the 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 the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the **Investigating Officer** as and when required for **interrogation** ;

(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;



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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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]***; and

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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