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Crl.O.P.No.15816 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Section Girl Missing @ 366 of IPC and Section 6 read with 5(1), 9 of Prohibition of Child Marriage Act 2006 in Crime No.201 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner was in love with the victim girl and they got married. The petitioner is not aware that the victim girl was a minor at the time of marriage. Apprehending arrest in Crime No.201 of 2023 registered for the offences under Section Girl Missing @ 366 of IPC and Section 6 read with 5(), 9 of Prohibition of Child Marriage Act 2006, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that petitioner and the victim girl were in love with each other. Subsequently, victim girl eloped with the petitioner and



Crl.O.P.No.15816 of 2023

got married.

4. Considered the submissions made on either side and perused the records.

5. The 164 Cr.P.C. statement of the victim girl shows that the victim girl was in love with the petitioner. On knowing about this, her mother made arrangements for her marriage with another man. Therefore, she left her home on 04.05.2023 and joined with the petitioner. Thereafter, they went to the petitioner's friend's house and got married. They also had physical relationship with her consent.

6. Considering the nature of offence committed and the fact that victim girl was aged 17 years at the time of her marriage, she went out of her house on her own and joined the petitioner and abetted him to marry her, this Court is of the view that, custodial interrogation of the petitioner is not necessary. The petitioner is 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**



Crl.O.P.No.15816 of 2023

WEB COPY

-II, 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 10.30 a.m., until further orders;

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

[d] the petitioner shall not abscond either during investigation or trial.



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Crl.O.P.No.15816 of 2023

G.CHANDRASEKHARAN, J.
mpl

[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.

20.07.2023

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Crl.O.P.No.15816 of 2023