



Crl.O.P.No.16603 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 9, 10 & 11 of Prohibition of Child Marriage Act, 2006 and Sections 5 (l), 5(j) (ii) & 6 of POCSO Act, in Crime No.10 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that petitioner is falsely implicated in this case and the co-accused was granted anticipatory bail in Crl.O.P.No.14926 of 2023, dated 06.07.2023. Thus, he seeks grant of anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that there was a marriage between the first accused and victim girl on 15.05.2023, therefore, FIR was registered in crime No.10 of 2023, on the complaint given by the defacto complainant. Now, the victim girl has attained majority.



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4.Considering the facts that marriage had taken place on 28.10.2022 and co-accused had been granted anticipatory bail, this Court is of the view that petitioner may also be granted anticipatory bail. Therefore, 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 Fast Track Mahila Court, Salem**, 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 as and when required by the



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respondent police for interrogation 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.

[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.

28.07.2023

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