



Crl.O.P.No.17199 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 in Crime No.7 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.04.2023, the Defacto Complainant namely G.Barathi who is Development Officer, working in the Union Office, Vriddhachalam, made a complaint against A1 to A4 stating that he got a secret information from the District Child Welfare Officer that A1 to A4 are performing child marriage to the victim viz., Selvabarathi with one Sedhupathy on 23.01.2023. Hence the the Defacto Complainant made a complaint on 26.04.2023 before the Respondent and FIR was registered against the Petitioners.

3.The learned Counsel for the Petitioners would submit that A1 is the Husband of the victim, A2 & A3 are Father and Mother of the victim and A4 is A1's Father. Victim girl and A1 loved each other and therefore, A1 to A4



Crl.O.P.No.17199 of 2023

performed marriage of the victim girl and A1. However, Initially the Petitioners are not added as accused in the FIR, then based upon the victim's statement, the Petitioners name were included in the above said case. The Petitioners are relatives of the victim girl and they are not aware of the age of the victim girl. Hence, he prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that A1 was already arrested and is under judicial custody. A2/Father and A3/Mother have already been granted with Anticipatory Bail by the trial Court. Statement of victim girl has already been recorded by the learned Judicial Magistrate II, Vriddhachalam. He vehemently opposed to grant anticipatory bail to the Petitioners.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that the Petitioners are only attended the marriage of the victim girl and A1, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.



Crl.O.P.No.17199 of 2023

WEB COPY

7. Accordingly, the Petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Vriddhachalam**, on condition that 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 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, on every Monday at 10.30 a.m., for a period of four weeks;**

[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



Cr1.O.P.No.17199 of 2023

WEB COPY

conditions have been imposed and the Petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.08.2023

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CrI.O.P.No.17199 of 2023

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CrI.O.P.No.17199 of 2023

07.08.2023