



Crl.O.P.No.18059 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act 2005, Sections 4,17 and 21(1) of Pocso Act and Section 328 of I.P.C., in Crime No.13 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.05.2022, one Lalitha, a Member of Children Welfare Board has preferred a complaint that one Selvi.Vijayalakshmi came to her and told that on 06.04.2023, she was forced by her mother second accused herein to get married to her maternal uncle the third accused herein and that her mother after administering her some medicine got her intoxicated and forced her to have intercourse with her maternal uncle. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the second accused compelled one



vijayalakshmi to get married to her maternal uncle the third accused herein . Hence, he opposed for grant of anticipatory bail to the petitioner.

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5. Heard both sides and the learned counsel for the intervenor and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the age has been determined by the medical certificate goes to show that she is above 18 years and below 20 years. The alleged marriage between the de-facto complainant and the third accused is 06.04.2023. Hence, this Court is inclined to grant anticipatory bail to the petitioners subjected to the medical examination of the victim.

7. Accordingly, 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, Thiruvottiyur**, on condition that the petitioner 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 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, 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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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