



Crl.O.P.No.18049 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 9 and 11 of Child Marriage Act, 2006, in Crime No.14 of 2023 on the file of the respondent police, seek anticipatory bail.

2.Based on the complaint given by the Social Welfare Officer, Dharmapuri, alleging that the family members of A1 and the family members of the victim arranged and performed the marriage between A1 and the minor victim girl aged 16 years, the respondent Police has registered the complaint.

3.The learned counsel appearing for the petitioners would submit that both A1 and the victim girl are related to each other, who belongs to the tribal community and on coming to know about their relationship, the customary marriage was performed between them by the elders of their family. He would further submit that the petitioners are innocent persons



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and they without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act, had performed the marriage.

He would also submit that the petitioners are prepared to comply with any stringent condition imposed by the Court and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the victim is aged about 16 years. He would further submit that the marriage between the first petitioner and the victim was performed by their family members. He would further submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also of the fact that they belongs to scheduled tribes and as per their customs, they



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performed the marriage, this Court is inclined to grant bail to the petitioners with certain conditions.

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, Harur** on condition that the petitioners shall execute a 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 daily at 10.30 a.m., until further orders.



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[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 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 absconds, a fresh FIR can be registered under Section 229A IPC;

28.08.2023

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