



Crl.O.P.No.25636 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 of IPC & under Section 9 of Prohibition of Child Marriage Act, 2012 & under Section 6 of POCSO Act, 2012 in Crime No.13 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 2nd petitioner's brother (A1) had love affair with the victim minor girl aged about 16 and married her on 07.02.2022 with the help of the petitioners. The further allegation is that mother-in-law/A2 assaulted the victim girl in her head. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the A1 had love affair with the minor girl and got married. The only allegation against the petitioners is that they helped to get marriage with A1 and minor girl. He would further submit that the A1 was arrested and



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released on bail. Hence, he prays for anticipatory bail to the petitioners.

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4. Considering the facts and circumstances of the case and also of the fact that the investigation is almost completed and the statement has been recorded from the victim girl under Section 164 of Cr.P.C, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5.Taking note of the facts and circumstances and that the victim girl had on her own volition married A1, as evident from the statement recorded under Section 164 Cr.P.C, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 of receipt of a copy of this order, before the learned Special Court for Exclusive of Trial Cases under POCSO Act, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand Only) each, 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 and on further condition that:

- (a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;
- (b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (c) the petitioners shall report before the respondent police as and when required for interrogation.
- (d) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (e) the petitioners shall not abscond either during investigation or trial;



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(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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05.01.2023

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