

Crl.O.P.No.26387 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 5(l), 5(j) (ii)r/w Section 6 of POCSO Act 2012 and 9 of Prohibition of Child Marriage Act, 2006 in Crime No.29 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl and the petitioner were relatives and they fell in love with each other and got married on 22.02.2021. Subsequently the victim girl became pregnant and when she went to hospital for treatment, they found that the girl was only 17 years old and they informed the same to the Child Welfare Officer. Based on the complaint given by the Child Welfare Officer, the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is not aware of the fact that the girl is a minor. However she takes care of the minor girl and twin child



was born to them. Hence, he prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded , in which, she has not stated any serious allegation against the petitioner. Hence, the learned Government Advocate has no serious objection to grant anticipatory bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, the marriage between the petitioner and the victim girl was performed and due to the the said wedlock twins were born to them and there is no serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Erode on condition that the petitioner 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 petitioner 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;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(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 anticipatory 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;

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

04.01.2023

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