



Crl.O.P.No.22216 of 2023

RMT.TEEKAA RAMAN, J.

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The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 5(1), 5(j)(ii), 6(1) of POCSO Act, r/w Section 9 of Protection of Child Marriage Act, 2006, in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.07.2023, Government Hospital Nurse informed to the respondent police stating that one Namitha who is a minor came to the hospital for check up regarding her pregnancy. Since the said Namitha did not complete 18 years. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the accused is the maternal uncle of the said Namitha. Since the said Namitha did not complete 18 years, he opposed for grant of anticipatory bail to the petitioner.



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

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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the marriage between the petitioner and the victim girl took on 05.07.2023 and the victim girl aged about 17 years and subsequently she got pregnant and during the medical check up, the Government Nurse said to have been false information and resulted in registration of the F.I.R. 164 statement discloses that the parents accepted the marriage. Hence, this Court is inclined to grant anticipatory bail to the petitioner subjected with medical examination.

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 Sessions Judge, Fast Track Mahila Court, Krishnagiri District**, 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:

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[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, everyday 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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