



Crl.O.P.No.27694 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence punishable under Sections 9 and 10 of the Child Marriage Act and Section 5(j)(ii) read with Sections 6, 16 and 17 of POCSO Act in Crime No.120 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 22.04.2021 the parents of the victim girl performed child marriage for the victim girl with Mr.Manivel (A1) and subsequently victim girl got conceived. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioners, without prejudice to their rights, is ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) submitted that on 22.04.2021 the parents of the victim girl performed child marriage for the victim girl with Mr.Manivel (A1) and subsequently victim girl got conceived. He also further submits that A1 was already arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Today, defacto complainant/victim girl and husband of the victim girl/A1 were present before this Court.

6. Considering the fact that A1 already released on bail, the victim girl is ready to live with her husband and submissions made by both the counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **Additional Mahila**



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Court, Dharmapuri on condition that each of 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 are directed to report before the respondent police as and when required for interrogation.

[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



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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.

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