



Crl.O.P.No.23007 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 9,10,11 of Prohibition of Child Marriage Act, took place on 11.09.2023, registered in Crime No.12 of 2023 on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that, the petitioners have been falsely implicated as accused 1 to 3 in Crime No.12 of 2023 registered for the offences under Sections 9,10,11 of Prohibition of Child Marriage Act.

3. The victim child is aged less than 18 years. It is stated that the 1st petitioner / 1st accused is aged about 30 yearss. The 2nd petitioner / 2nd accused is the mother of the 1st petitioner. The 3rd petitioner is not an accused. Even before proceeding further, since the 3rd petitioner is not an accused, there is no case against her. Hence the anticipatory bail against the 3rd petitioner is dismissed.

4. So far as the 1st petitioner is concerned, his age is 30 years and he has married a minor girl. The learned counsel for the petitioners



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submitted that when the victim girl got married, she was 17 years and 6 months. But still, at the time of marriage, she was minor, aged below 18 years. Hence, I am not inclined to grant anticipatory bail to the 1st petitioner. Therefore, anticipatory bail petition, against the 1st petitioner, is dismissed.

5. So far as 2nd petitioner is concerned, who is the mother of the 1st petitioner herein, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruvottiur** on condition that the 2nd 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 2nd 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



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identity.

[b] the 2nd petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of three weeks;

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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 2nd petitioner / accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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