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Crl.O.P.No.28009 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence punishable under Sections 9, 11 of the Prohibition of Child Marriage Act and Section 5(1) read with Sections 6, 17, 21 of the POCSO Act 2012 in Crime No.38 of 2022, seek anticipatory bail.

2. One Manoj (Child line helper) lodged a complaint before the respondent police stating that on 04.09.2022 petitioners and the mother of the victim girl performed child marriage for the victim girl to Sathishkumar (A1) and both of them stayed at house of the A2 / Radha for 15 days. 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



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petitioners, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners and the mother of the victim girl performed child marriage for the victim girl to Sathishkumar (A1)/son of the petitioners. The statement of the victim girl has been recorded under Section 164(2) Cr.P.C. He further submits that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the statement of the victim girl under Section 164(2) Cr.P.C reveals that there is no allegations made against the petitioners and considering that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **Mahila Court (Fast Track), Nammakkal** 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 second petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation and the first petitioner is directed to report before the respondent police as and when required for interrogation;



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[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 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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