



Crl.O.P.No.29175 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence punishable under Sections 5(1), 5(j)(ii) read with Section 6, 16 of POCSO Act, 2012 and Sections 9, 10 of Prohibition of Child Marriage Act 2006 in Crime No.43 of 2022, seek anticipatory bail.

2. The first petitioner is the husband of the defacto complainant, petitioners Nos. 2 and 3 are father in law and mother in law of the defacto complainant and petitioners Nos.4 and 5 are the parents of the defacto complainant.

3. The case of the prosecution is that the petitioners 2 to 5 have performed child marriage for the defacto complainant with the first petitioner on 18.06.2021 and the defacto complainant got conceived. Hence the complaint.

4. The learned counsel appearing for the petitioners submitted that



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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, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) submitted that the petitioners 2 to 5 have performed child marriage for the defacto complainant with the first petitioner on 18.06.2021 and the defacto complainant got conceived. He also submits that statement of the victim girl is yet to be recorded under Section 164(2) Cr.P.C., and he further submits that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore** 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 1st 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 petitioners 2 to 4 are directed to report before the respondent police as and when required for interrogation.



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[c] the first petitioner shall file an affidavit before the learned Magistrate at the time of furnishing sureties that he will take care of the victim girl and the child.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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