



Crl.O.P.No.28692 of 2023

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**C.V.KARTHIKEYAN, J.**

The Petitioners/A1 to A4 in Crime No.16 of 2023 registered by the Respondent Police for the offences originally under Sections 498A, 494, 109 IPC and later it was altered to 498(A), 494, 109 read with 366, 376 (2)(n) IPC and Sections 9, 10 of Child Marriage Act, 5(j)(ii), 5(1) read with Section 6 of POCSO Act, 2012, seek anticipatory bail.

2. The learned Government Advocate (Criminal Side) stated that the defacto complainant is the former wife of the 1<sup>st</sup> Petitioner. The marriage between them had been dissolved by an judicial order in H.M.O.P.No.21 of 2019 by judgment dated 28.03.2022 passed by the Sub Court at Arni, Tiruvannamalai District. Thereafter, she had lodged the present complaint. The 2<sup>nd</sup> and 3<sup>rd</sup> Petitioners are the parents of the 1<sup>st</sup> Petitioner and the 4<sup>th</sup> Petitioner is the sister of the 1<sup>st</sup> Petitioner.

3. It is stated that the statement under Section 164(5) of Code of Criminal Procedure had been recorded from the child who is said to have



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been married by the 1<sup>st</sup> Petitioner. The said statement had been forwarded to this Court. The Court had the benefit of reading the said statement.

4. Taking that particular statement into consideration, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions. Accordingly, the Petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Judicial Magistrate, Polur, Tiruvannamalai 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:

[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.



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**[b] the 1<sup>st</sup> petitioner shall report before the Respondent Police daily at 10.30 a.m., for a period of three weeks and the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Petitioners shall report before the Respondent Police once in a week i.e., on every Saturday at 10.30 a.m., for a period of three weeks and thereafter, as and when required.**

[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.

**22.12.2023**

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