



Crl.O.P.No.7668 of 2024

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences originally punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and subsequently, altered to Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(1), 6, 9(n) and 10 of POCSO Act, 2012, in Crime No.02 of 2024, seek anticipatory bail.

2.The case of the prosecution is that A2 and A3 are the parents of A1 and A4 and A5 are the parents of the victim girl. It is alleged that the petitioners along with their family members performed marriage to the victim girl aged about 17 years with A1 aged about 21 years. Hence the present case has been registered by the respondent Police on the complaint lodged by the Social Welfare Department.

3.The learned counsel for the petitioners would submit that the petitioner's family and the victim girl's family are close relatives and they are known to each other and the marriage was held at Perumal Kovil, Baljipalayam in the presence of the elders of the family. He would



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further submit that the victim girl is a major and a lower age had been recorded only for her school admission. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners along with their family members performed marriage to the victim girl aged about 17 years with A1 aged about 21 years. He would further submit that the investigation has been almost completed.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned Counsel on either side and also of the fact that the investigation has been almost completed, 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, within a period of



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fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottiur, on condition that petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 shall report before the respondent police station 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



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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 SCW5560]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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