



Crl.O.P.No.6748 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/fifth accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 494, 109 of IPC @ to 498(A), 494, 109 read with 363, 366, 376(2)(n) of IPC read with 9 & 10 of Child Marriage Act, Section 5(j)(ii), 5(1) read with 6 of POCSO Act in Crime No.16 of 2023, seeks anticipatory bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner herein.

3. It is stated that the marriage between the defacto complainant and the first accused had been dissolved by an Judicial Order in H.M.O.P.No. 21 of 2019 by a Judgment dated 28.03.2022 passed by the Sub Court at Arni, Tiruvannamalai District.

4. It is stated that the statement under Section 164(5) of Cr.P.C., had been recorded from the child who is said to have been married by the first accused. The said statement had been forwarded to this Court. The Court had the benefit of reading the said statement.



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5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

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



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

20.03.2024

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