



Crl.O.P.No.6627 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A5 to A7, seek anticipatory bail in Crime No.16 of 2023 registered by the Respondent Police for the offences under Sections 498(A), 494, 109 read with Section 366, 376(2)(n) of IPC and Section 9, 10 of Child Marriage Act, 5(j)(ii), 5(1) read with Section 6 of POCSO Act, 2012 of IPC

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners herein.

3. It is stated that the marriage between the defacto complainant and the first accused had been dissolved by a Judicial Order in H.M.O.P.No.21 of 2019 by a judgement dated 28.03.2022 passed by the Sub Court at Arni, Tiruvannamalai District. The first and second petitioners are parents of the defacto complainant and the third petitioner is a friend of the first petitioner.



WEB COURT

4. 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 been married by the 1st accused. The said statement had been forwarded to this Court. The Court had the benefit of reading the said statement.

5. Taking the particular statement into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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**, 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 conditions 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 petitioners shall report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter 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 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.

19.03.2024

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C.V.KARTHIKEYAN, J.



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