



Crl.O.P.No.10156 of 2024

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**T.V.THAMILSELVI, J.**

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The petitioners, who apprehends arrest for the alleged offence punishable under Sections 363, 366 of IPC r/w 5(I), 5(J)(II) r/w Section 6 of the Protection of Children from Sexual Offences Act (POCSO), 2012 and Section 9 and 10 or Prohibition of Child Marriage Act, 2006 in Crime No.67 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the Minor was in a love affair with the 1<sup>st</sup> petitioner for the past 2 years and she had eloped from her house on 19.08.2023 by herself. On 20.08.2023 at about 5.00 the minor got married with the 1<sup>st</sup> petitioner at temple with the help of his parent/2<sup>nd</sup> and 3<sup>rd</sup> petitioner and at present the minor is 4 months pregnant. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioner/1<sup>st</sup> accused had not forced the minor to elope with him and it is pertinent to note that the parents of the girl made arrangement of the marriage against will and wish of the victim due to which she was



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constrained to leave the parental home. The petitioners and the victim girl had a love affair and got married. He would submit that petitioners are an innocent person. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that petitioners and minor victim girl loved each other and got married. Due to which the minor victim girl became pregnant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Sessions Judge Mahila Court for POCSO Cases, Dharmapuri** on condition that 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



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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 petitioners are directed to report before the respondent police on every Saturday at 10.30am., for a period of six 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



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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.

[f] The first petitioner is directed to take care of the victim girl. If the first petitioner fails to take care of the victim girl, the order will be reopened.

**05.06.2024**

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**T.V.THAMILSELVI, J.**

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