



Crl.O.P.No.11980 of 2024

Crl.O.P.No.11980 of 2024

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 5(1), 5(j)(ii) and 6 of POCSO Act and 9 of Child Marriage Restraint Act, in Crime No.25 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information of the child marriage the Child welfare Officer went to the Defacto Complainant house, namely Sathyavani lodged a complaint with the respondent police alleging that she lived in Shasasumuthiram Village, she aged about 16 years, she is studying 11th std, she had a love with the petitioner for the past 2 years, and they love matter already known by both the parents. Their parents not accepted there love, so on 20.08.2023 morning petitioner married the defacto complainant in his home itself and thereafter they both had a sexual intercourse for the past 7 months, presently the defacto complainant is 4 months pregnant. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner and the victim girl had a love affair and got married. The defacto complainant threatened the petitioner that she will commit suicide if the



Crl.O.P.No.11980 of 2024

petitioner refuse to marry the defacto complainant. Therefore, the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that petitioner and minor victim girl loved each other and got married. The petitioner had sexual intercourse with the defacto complainant due to which the minor victim girl became pregnant. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the **learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases at Kallakurichi** 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



Crl.O.P.No.11980 of 2024

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 is 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[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];**



WEB COPY



Crl.O.P.No.11980 of 2024

T.V.THAMILSELVI, J.

ns1

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.06.2024

ns1

Crl.O.P.No. 11980 of 2024