



Crl.O.P.No.12780 of 2024

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S.SOUNTCHAR, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 of Child Marriage Restraint Act @ Section 5(l), 6(1) of POCSO Act, read with 9, 10 of Child Marriage Restraint Act, in Crime No.80 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that victim girl is a minor aged about 15 years. The 1st accused had married the victim on 01.06.2023 and had penetrative sexual intercourse with her. Hence, the case.

3. The learned counsel for the petitioner stated that the petitioner is none other than the mother of the victim girl and that the petitioner has been falsely implicated in this case. He further submits that allegation is only against the 1st accused/husband of victim and not against the petitioner herein. Thus, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) stated that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and that there is no serious allegations against the petitioner.



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5. Having regard to the facts and circumstances of the case and the fact that there is no serious allegations against the petitioner in the statement of the victim girl recorded under Section 164 Cr.P.C., 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri**, on condition that the petitioner shall execute a bond for 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 everyday at 10.30.a.m., until further orders.

[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 petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC;

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