



Crl.O.P.No.17135 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006 in FIR No.27 of 2024, seeks anticipatory bail.

2. Based on the complaint given by one Soudhammal, Social Welfare Officer, that on receiving a information about the child marriage, he went to the scene of occurrence, wherein, he confirmed that the second petitioner's daughter was taken to her grandfather's house and got married to the first petitioner/Saravanakumar, a case in Crime No.27 of 2024, was registered for the offence under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is the mother of the victim girl, she conspired with A1 by causing harassment to the victim girl. He also submitted that the petitioner, without understanding the consequences and



Crl.O.P.No.17135 of 2024

rigours of the Prohibition of Child Marriage Act, 2006, had performed marriage for the minor victim girl. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other persons have planned and performed marriage for a minor victim girl with the first petitioner. He further submitted that the statement has also been recorded from the victim girl under 164 Cr.P.C, wherein, she stated that she eloped with the petitioner/A1 and got married and now the victim was secured and was in the custody of the parents. He also stated that the investigation is almost completed, however, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and taking note of the statement recorded under Section 164 Cr.P.C. from the victim girl and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

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 (15) days from



CrI.O.P.No.17135 of 2024

the date of receipt of a copy of this order before the *learned Additional Mahila Court at Dharmapuri*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, 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 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 Court concerned 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 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 has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid

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Crl.O.P.No.17135 of 2024

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down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

22.07.2024

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Crl.O.P.No.17135 of 2024