



Crl.O.P.No.18843 of 2024

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P.DHANABAL, J.

The petitioners, who apprehend arrest for the alleged offences under Section 5(1) & 6 of Protection of Child from Sexual Offences Act, 2012 and 9 & 10 of Prohibition of Child Marriage Act, 2006 in Cr.No.273 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A-1 is the husband, petitioner/A-2 is the mother-in-law and petitioner/A-3 is the father-in-law of the victim girl. It is alleged that the petitioners have performed child marriage to the victim girl with accused/A-1. Thereby, the Social Welfare Officer lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that after the marriage of A-1 with the victim girl, accused/A-1 was absconded. He would further submit that the co-accused was also released on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (CrI.side) submits that A-1, who said to marry the victim girl was still absconding and the petitioners herein are alleged to have performed child marriage to the victim girl. He further submitted that the investigation in this case has almost been completed and the statement under Section 164 Cr.P.C., has also been recorded from the minor victim girl and thereby, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record including the statement recorded from the victim girl under Section 164 Cr.P.C.

6. Considering the submissions made by the learned counsel on either side, and taking note of the statement recorded from the victim girl under Section 164 Cr.P.C., and also considering the fact that co-accused was also released on bail, this Court inclined to grant anticipatory bail to the petitioners.



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7. 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 Special Judge, POCSO Court, Chengalpattu, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Special Judge, POCSO Court, Chengalpattu daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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



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as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

08.08.2024

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