



Crl.O.P.No.26169 of 2024

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P.DHANABAL,J.

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 9, 10 of Prohibition of Child Marriage Act, 2006, r/w Section 5(1), 6(1) of POCSO Act in Crime No.21 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is attached to the Social Welfare Board Officer, Salem, has received a secret information that on 15.04.2024, the petitioner herein has performed marriage to one Parthiban/A1 with one Dhanakodi who is minor girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that A1 and the minor girl were loved each other and got married. Being the uncle of the minor girl, he has been implicated in this case. He also submits that he is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.26169 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner has performed marriage to one Parthiban/A1 with minor girl viz., Dhanakodi. He further submits that the statement of the victim girl was recorded under Section 183 of BNS Act. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record including the statement of the minor victim girl recorded under Section 183 of BNS Act,

6. Considering the nature of offence, no previous case against the petitioner and the statement of the minor victim girl and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court, Omalur** on condition that the petitioner shall execute a



CrI.O.P.No.26169 of 2024

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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police every day 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 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.

30.10.2024

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Crl.O.P.No.26169 of 2024

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