



Crl.O.P.No.26495 of 2024

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WEB C **P.DHANABAL, J.**

The petitioners, who apprehend arrest at the hands of the respondent police, for the alleged offences under Sections 5[1] read with 6[1] and 17 of POCSO Act 2012 and under sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.18 of 2024 on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the second and third petitioners are the parents of the first petitioner and fourth and fifth petitioners are the parents of the victim girl. The further case of the prosecution is that on 15.09.2024, the petitioners 2 to 5 performed the marriage of the victim girl, who is aged about 16 years with the first petitioner. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have conducted only engagement function between the first petitioner and the victim girl and there was no marriage solemnized on



the date of occurrence, i.e., on 15.09.2024. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners 2 to 5 performed the marriage of the first petitioner with the victim girl, who is aged 16 years. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions of both sides, nature of offences, relationship between the parties and the statement of the victim rendered under section 183 BNSS Act, no previous case is pending against the petitioner and facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Special Court, POCSO Act, Thiruvannamalai, Thiruvannamalai District** on condition that the petitioners shall execute a separate 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 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 petitioners shall report before the respondent police on daily at 10.30 a.m. until further Orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji v. State of Kerala [(2005) AIR SCW 5560].

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

25.10.2024

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