



Crl.O.P.No.27887 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A2 to A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of the Child Marriage Act, 2006 and Section 5(1), (J)(ii) read with 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.79 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 is aged about 25 years and the victim girl is aged about 17 years. The petitioner and the victim girl belong to same village. They both fell in love and also they have exceeded their limits and the victim girl became pregnant. Thereafter, the petitioners have arranged marriage between the victim and A1. When the victim girl was taken to the hospital for medical checkup, the doctor ascertained the age of the victim girl. Since the victim girl was below the age of 18 years, the hospital authorities informed to the de facto



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complainant / the Protection Officer, Children Welfare Committee.

Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are parents and sisters of A1. He would further submit that A1 and the victim girl were in love affair and exceed their limits and the victim girl became pregnant. As the victim girl became pregnant, the petitioners under the impression that the victim girl was major and arranged for marriage with A1 to save the reputation of the girl and her family. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police while opposing the grant of anticipatory bail to the petitioners would submit that the petitioners are the parents and sister of



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A1. He would further submit that A1 had committed penetrative sexual assault on the victim girl aged about 17 years and thereafter, the petitioners have arranged for marriage with the victim girl and now the victim girl has given birth to a child. He would further submit that 164 statement of the victim girl is yet to be recorded and the main accused was arrested and released on bail.

5. Heard the learned Counsels and perused the materials placed on record

6. Taking into consideration of the facts and circumstances of this case, the main accused was arrested and released on bail and the petitioners are only the parents and sister of the main accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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



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days from the date on which the order copy made ready, before the **learned Sessions Judge, Fast Track Mahila Court, Ariyalur**, on condition that the Petitioners shall execute a separate 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 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 Petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioners shall report before the respondent police everyday 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

[d] the Petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the



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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 vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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