



Crl.O.P.No.28496 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366, 344, 506(i) of IPC, 1860, 115(2) & 296(b) of the BNS, 2023 5(n), 5(1), r/w.6, 7 of Protection of child from Sexual offences (POCSO) Act, 2012 and 9, 10 of Prohibition of Child Marriage Act, 2006 in Crime No.107 of 2024, seek anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties and perused the available records.

3.The case of the prosecution as per the de facto complainant, xxx, minor girl, aged 17 years is that the first accused, Karthick, is her relative. He induced her stating that he was in love with her and that he took the de facto complainant to his house, where his Father also induced her stating that she was his daughter in law, later on 16.06.2024, the accused along with his Father and relatives took her to a temple and performed a marriage ceremony. Subsequently, A1/Karthick had committed penetrative sexual assault on her. After some time, he came home in an inebriated condition and assaulted her.



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On 01.11.2024, A1 had abused her and had driven her out of the house.

Hence the case.

4.The learned counsel for the petitioners submitted that the petitioners are innocent and are in no way connected to the offences as alleged by the prosecution, and that they have been falsely implicated in this case. He further submitted that the petitioners are relatives of A1. He also stated that there was a love affair between the victim girl and A1, and that, believing them, the petitioners performed a marriage ceremony for them. Thereafter, the de facto complainant lived with the first accused. He further submitted that due to matrimonial disputes, she left the house, and later, at the instigation of her parents, she filed a false complaint against the petitioners. He also stated that as far as the petitioners are concerned, there are no allegations of sexual or physical harassment and the allegations are attributed solely to the first accused. He further submitted that the petitioners are ready and willing to abide by any condition that may be imposed on them.

5.The learned Government Advocate (Cr1. Side) while opposing for grant of bail to the petitioners submitted that the petitioners are relatives of A1 and they performed the marriage ceremony between the first accused and the minor



victim girl. He further submitted that the victim girl is only about 17 years old.

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6.Learned counsel for the intervener/Father of the victim girl submitted that the first accused induced the minor victim girl and took her away and performed the marriage and committed penetrative sexual assault on her and later drove her out of the house and the petitioners are assisted the main accused in performing the marriage ceremony.

7.Taking into consideration the facts of the case and the submission of the learned counsel for the parties, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8.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 of receipt of a copy of this order, before **the Special Court of trial of offences under POCSO Act, Villupuram** on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:



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[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

[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 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 of BNS.

21.11.2024

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Dated: 21.11.2024