



Crl.O.P.No.28625 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest in connection with Crime No.42 of 2024, registered offences punishable under Sections 5(l), 5(j)(ii) read with Section 6 of POCSO Act and Sections 9 and 10 of Child Marriage Act, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that, A-1 married the minor victim girl on 21.08.2024 and the other accused have assisted the A-1 to marry the minor girl. Hence, the case.

3. Learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the victim is none other than the close relative of the petitioners. He would submit that the victim's mother had passed away 4 years ago and her father and brother were drunkard, since they did not taken care of the victim, they abandoned her. The other relatives solemnised the marriage of the victim to the petitioner. He would submit that the victim got pregnant and when she went for medical check-up, Doctors suspected that she was minor and given a complaint. He would further submit that the petitioners are ready and



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willing to abide by any stringent conditions that may be imposed by this Court.

Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners/A-1 to A-5, would submit that victim is 17 years 10 months at the time of her marriage, A-1 is a close relative and other relatives have performed the marriage. He would submit that A-1 committed penetrative sexual assault, due to which, victim become pregnant.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the statement recorded from the victim.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 days from the



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date on which the order copy made ready, before the learned **Sessions Judge,**

Fast Track Mahila Court, Tiruvarur, on condition that the petitioners shall

execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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, 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders and the petitioners 2 to 5 shall report before the respondent police everyday at 10.30 a.m., for a period of one week 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;



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[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 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]**;

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

25.11.2024

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