



Crl.O.P.No.29791 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.44 of 2024 registered for the offences punishable under Sections 5(i), 5(j)(ii), 5(n), 6 of the POCSO Act 2012 and 9 and 10 of Child Marriage Act 2006, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are parents of A1 and the victim girl. They hail from lower strata of the society. The first accused and the victim girl were in a relationship, due to which, the victim girl got pregnant. The petitioners, without understanding the consequences, in order to protect the dignity of the victim girl, had conducted the marriage between A1 and the victim girl and thereafter, the victim girl and A1 were living along with the petitioners. When the victim girl was admitted in the hospital for delivery, the doctors found that she was



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a minor and based on their information, a case was registered. He would submit that the first accused, after marriage, got a job abroad and he is working there and the victim are now being taken care of by the parents of the first accused.

3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners performed child marriage between A1 and the minor victim girl. Due to which, the victim girl become pregnant.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 learned Special Court for Exclusive Trial & cases under POCSO Act,



Cuddalore, 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:

[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 for a period of two weeks and thereafter on every Saturday 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];



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

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