



CrI.O.P.No.28173 of 2023

WEB COPY

CrI.O.P.No.28173 of 2023

C.V.KARTHIKEYAN, J.

The Petitioners/A2 to A6 in Crime No.49 of 2023 registered by the Respondent Police for the offences under Section 6 read with 5L of POCSO Act, 366 of IPC read with Sections 9 and 10 of Prohibition of Child Marriage Act, seek anticipatory bail.

2. It is the case of the defacto complainant who is working as a Social Welfare Officer, that she got a message that a child marriage was going to be held between the victim child, who is a minor and the daughter of the Accused A3 and A4, with the Accused A2/1st Petitioner herein with the help of the Accused A4 and A5, who are the parents of the Accused A2.

3. It is however stated by the learned Government Advocate (Criminal) that the statement of the victim child had been recorded under Section 164(5) of Code of Criminal Procedure, wherein, she had stated that she was continuously harassed by seeking sexual favour by the Accused A1, who was already a married person. To protect the victim child, her parents



Crl.O.P.No.28173 of 2023

had arranged a marriage with the Accused A2. She had very clearly stated all these facts in her statement recorded under Section 164(5) of Code of Criminal Procedure. It is also stated by the learned Government Advocate (Criminal Side) that the Accused A1 had been arrested and is still in custody.

4. Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions. **It is made clear that grant of anticipatory bail to these Petitioners should not be taken as a ground for grant of any relief to the 1st Accused against whom there are allegations made by the victim child in her statement recorded under Section 164(5) of Code of Criminal Procedure.** 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 on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Tharangampadi, Mayiladuthurai District**, 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,



Crl.O.P.No.28173 of 2023

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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the Respondent Police daily at 10.30 a.m., for a period of two weeks and the 2nd, 3rd, 4th and 5th petitioners shall report before the Respondent Police once in a week i.e., on every Saturday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the 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 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



CrI.O.P.No.28173 of 2023

WEB COPY

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 229A IPC.

22.01.2024

mkn2



WEB COPY



Crl.O.P.No.28173 of 2023

C.V.KARTHIKEYAN, J.

mkn2

Crl.O.P.No.28173 of 2023

22.01.2024