



Crl.O.P.No.30182 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9 of Prohibition of Child Marriage Act, 2006 r/w Sections 5(j)Iii), 5(I) and 6(1) of Protection of Children from Sexual Offences Act, 2012 in Crime No.26 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on a complaint received from one Sundari through "1098 - Child Line" about child marriage of one minor Manisha, thereafter, the respondent went to the house of minor Manisha and found that the petitioner and said Manisha loved each other and got married on 21.06.2024. The minor Manisha was born on 03.02.2007, aged about 17 years and she is about five months pregnant. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner and the minor Manisha loved each other and they got married on 21.06.2024 and further both their families have no issue with their marriage. He would further submit that the petitioner is taking care of the minor Manisha



and on taking her to regular pregnancy check-up to Government Hospital, the doctor from the hospital had lodged a complaint about the child marriage to "1098 - Child Line". He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner and one Manisha, who is aged about 17 years, loved each other and got married on 21.06.2024 and the said Manisha is pregnant now. He would further submit that 183 BNSS statement of the minor Manisha is also recorded.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR and 183 BNSS statement of the minor Manisha.

6. Taking note of the facts and circumstances of the case, the



submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the District Munsif cum Judicial Magistrate Court, Pallavaram** on condition that the petitioner 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 petitioner 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 petitioner 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.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 B.N.S.

04.12.2024

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